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BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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Goodlett Place
San Francisco, CA 94102-4689

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MEETING MINUTES - DRAFT

VOTES

Tuesday, January 10, 2006 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Land Use Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 1:00 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll Supervisor Alioto-Pier was noted absent.

There was a quorum.

Supervisor Alioto-Pier Excused from Attendance

Supervisor Dufty, seconded by Supervisor Maxwell, moved to excuse Supervisor Alioto-Pier from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to approve the December 6, 2005 and December 13, 2005 Meeting Minutes. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

051827 **[Exempting pushcart peddlers with BART permits at 16th and 24th Street Stations from Police permit requirements]**
Supervisor Ammiano

Ordinance amending Article 17.3 of the Police Code by amending Section 1330 to define BART; adding Section 1330.2 to exempt pushcarts who obtain permits from BART for the 16th St. and 24th St. BART stations or adjacent plaza from obtaining a police permit; amending Section 1330.5 to require the Health Department Director to make a recommendation to BART within 30 days after the filing of such application with BART; amending Section 1330.14 to require the Health Department Director to forward the Certificate of Sanitation decal number assigned to each pushcart under the jurisdiction of BART to BART; and by renumbering Sections 1330.2 through 1330.6.

FINALLY PASSED

3 1223 07086 3643

051869 **[Approval of Port Lease with Miller Kelly Architects, Inc. at the Roundhouse One Building located at 1500 Sansome Street]**

Resolution approving Lease between the San Francisco Port Commission and Miller Kelly Architects, Inc., a California corporation, dba MK Think for the lease of the Roundhouse One Building located at 1500 Sansome Street, for a term of ten (10) years and one hundred eighty (180) days with one (1) option to renew for an additional five (5) years. (Port)

ADOPTED

Recommendations of the Rules Committee

051745 **[Settlement of Lawsuit - Dazell Mallory]**

Ordinance authorizing settlement of the lawsuit filed by plaintiff Dazell Mallory against the City and County of San Francisco for payment of $53,150, including all damages, attorneys' fees and costs; the lawsuit was filed on February 24, 2005, in San Francisco Superior Court, Case No. 438-930, entitled Dazell Mallory v. San Francisco Public Library, the City and County of San Francisco, and Does 1-100. (City Attorney)

PASSED, ON FIRST READING

051812 **[Settlement of Lawsuit - Theresa Koenig]**

Ordinance authorizing settlement of the lawsuit filed by Theresa Koenig against the City and County of San Francisco for $190,000; the lawsuit was filed on November 16, 2001 in San Francisco Superior Court, Case No. 401-374; entitled Theresa Koenig, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

051813 **[Settlement of Lawsuit - Tania Tavasieff Foley]**

Ordinance authorizing settlement of the lawsuit filed by Tania Tavasieff Foley against the City and County of San Francisco for $75,000; the lawsuit was filed on September 7, 2004 in San Francisco Superior Court, Case No. 434-496; entitled Tania Tavasieff Foley v. City and County of San Francisco, Mortimer John Joyce, Jr., and Stephen Waichi Wong. (City Attorney)

PASSED, ON FIRST READING

051814 **[Settlement of Lawsuit - Aircraft Service International, DHL Express (USA) as successor in interest to Airborne Express ("Airborne"), Atlantic Richfield Co., ChevronTexaco, Shell, Signature Flight Support, and Unocal]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against Aircraft Service International, DHL Express (USA) as successor in interest to Airborne Express ("Airborne"), Atlantic Richfield Co., ChevronTexaco, Shell, Signature Flight Support, and Unocal, for the payment to the Airport of environmental clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal). (City Attorney)

PASSED, ON FIRST READING

051820 **[Settlement of proceeding before the California Public Utilities Commission regarding the December 2003 fire at PG&E's Mission Substation and the subsequent outage]**
Supervisors McGoldrick, Maxwell

Ordinance authorizing settlement of the proceeding before the California Public Utilities Commission, Investigation 05-03-011, to determine whether PG&E should be found in violation of state law and fined in connection with the December 2003 fire at the Mission Substation and the subsequent outage affecting 100,000 customers in San Francisco.

PASSED, ON FIRST READING

051877 **[Settlement of Lawsuit - Carol Renault v. CCSF, et al.]**
Ordinance authorizing settlement of the lawsuit filed by Carol Renault against the City and County of San Francisco for $900,000; the lawsuit was filed on July 20, 2004 in San Francisco Superior Court, Case No. 433-157; entitled Carol Renault v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

051878 **[Settlement of Lawsuit - 1750 Connecticut Street, et al., v. CCSF, et al.]**
Ordinance authorizing settlement of the lawsuit filed by 1750 Connecticut Street against the City and County of San Francisco for $75,000; the lawsuit was filed on August 20, 2004 in San Francisco Superior Court, Case No. 433-992; entitled 1750 Connecticut Street, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

051896 **[Settlement of Lawsuit - National Center for International Schools, et al., v. CCSF, et al.]**
Ordinance authorizing settlement of the lawsuit filed by National Center for International Schools against the City and County of San Francisco for $178,667.42; the lawsuit was filed on October 28, 2004 in San Francisco Superior Court, Case No. 435-875; entitled National Center for International Schools, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

051899 **[Settlement of Lawsuit - Evan Weiss Arkush, et al., v. CCSF, et al.]**
Ordinance authorizing settlement of the lawsuit filed by Evan Weiss Arkush against the City and County of San Francisco for $125,000; the lawsuit was filed on July 26, 2004 in San Francisco Superior Court, Case No. 432-947; entitled Evan Weiss Arkush, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

051935 **[Settlement of Claim - Yully Company]**
Resolution approving the settlement of the unlitigated Claim No. 05-03042 filed by Yully Company on March 24, 2005, against the City and County of San Francisco for $119,000. (City Attorney)

ADOPTED

051976 **[Appointment - Back Streets Business Advisory Board]**
Resolution appointing Michael Potepan, term ending November 16, 2006, to the Back Streets Business Advisory Board.

Michael Potepan, succeeding My Do, resigned, seat 6, must be an officer or representative of an economic development or planning organization or association, or of an academic institution, for the unexpired portion of a two-year term ending November 16, 2006.

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee

051808 **[Liquor License Transfer, 4715 Geary Boulevard]**

Hearing to consider that the transfer of a Type 21 off-sale general alcoholic beverage control license from 308 Randolph Street to 4715 Geary Boulevard (District 1), to Wendy Ai-Phi Van dba D&M Liquor Mart, will serve the convenience of the people of the City and County of San Francisco.

ADOPTED

051913 **[Grant of Regional Funds - Municipal Transportation Agency]**
Supervisor Dufty

Resolution authorizing the Municipal Transportation Agency to accept and expend $11,283,000 of Regional Measure 2 funds for the Automatic Vehicle Location System project.

ADOPTED

051957 **[Grant of Local Funds - Municipal Transportation Agency]**
Supervisors Dufty, Ma

Resolution authorizing the Municipal Transportation Agency to accept and expend $876,050 of Transportation Fund for Clean Air Regional Funds from the Bay Area Air Quality Management District to implement projects that reduce air pollution from motor vehicles.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Severed from Consent Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

051763 **[Appointment - Public Utilities Revenue Bond Oversight Committee]**

Resolution appointing David Sutter, term ending November 12, 2009, to the Public Utilities Revenue Bond Oversight Committee.

David Sutter, succeeding himself, term expired, seat 2, must have expertise, skills and experience in economics, the environment, construction or project management, for the unexpired portion of a four-year term ending November 12, 2009.

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd
Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

052053 **[Adopting findings related to the conditional use appeal on property located at 80 West Portal Avenue]**
Supervisor Elsbernd

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2005.0698C (which allowed the establishment of a mortgage brokerage as a business or professional service (Guarantee Mortgage), in a vacant ground floor commercial space approximately 2,318 gross square feet in the West Portal Avenue Neighborhood Commercial District and 26-X Height an Bulk District) for property located at 80 West Portal (Lot 008, in Assessor's Block 2931). (Clerk of the Board)

(Companion measure to Files 051784, 051785, 051786, 051787.)

Supervisor Elsbernd requested to be added as a co-sponsor.

APPROVED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

051559 **[An ordinance conforming state law, provisions of the Administrative Code, which permit any person who is liable for tax on property that has been damaged or destroyed by misfortune or calamity, to apply to the Assessor for reassessment]**
Supervisor Elsbernd

Ordinance amending Section 10.2-5 of the San Francisco Administrative Code to conform to Section 170 of Chapter 2.5, Part 1, Division 1 of the California Revenue and Taxation Code providing that every assessee of any taxable property, or any person liable for the taxes thereon, whose property was damaged or destroyed, without his or her fault, by a misfortune or calamity, may apply for reassessment of that property; specifying the nature of the damage or destruction required to be eligible for reassessment; and also specifying that the Assessor-Recorder may initiate the reassessment where the Assessor-Recorder determines that within the preceding 12 months taxable property located in the County was damaged or destroyed, for the purpose of providing property tax relief to residents of the City and County of San Francisco.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051721 **[Zoning - Interim Moratorium on New Check Cashing and Pay Day Lender Uses]**
Supervisors Ammiano, Maxwell, Dufty, Daly

Urgency Ordinance approving an interim zoning moratorium on new check cashing and pay day lender uses for 45 days and making required findings, including findings related to the imposition of an interim moratorium, findings of consistency with the priority policies of Planning Code Section 101.1, and environmental findings.

Supervisor Mirkarimi requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051789 **[Prevailing wages for workers on public works/improvement projects, workers doing janitorial services, workers in public off-street parking lots, garages, or auto storage facilities, workers in theatrical services; and workers performing moving services]**

Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; (4) workers engaged in theatrical or technical services for shows on property owned by the City; and (5) workers performing moving services under City contracts at facilities owned or leased by the City. (Civil Service Commission)

(Fiscal impact.)

Supervisor Mirkarimi requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051923 **[Authorization for Loan from SFCTA]**
Supervisor McGoldrick

Resolution authorizing the City and County of San Francisco, through its Municipal Transportation Agency, to borrow $22.57 million of Proposition K Sales Tax Funds from the San Francisco County Transportation Authority to allow the Third Street Light Rail Transit – Muni Metro East Maintenance and Operations Facility Project to proceed in advance of receiving anticipated state grant funds.

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Recommendations of the Government Audit and Oversight Committee

051273 **[Airport Environmental Review]**

Resolution certifying the Determination of the Office of Environmental Review that no further environmental review document is necessary for the West Field Cargo Redevelopment Project at San Francisco International Airport. (Airport Commission)

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051149 [Webpage maintenance by individual members of the Board of Supervisors]
Supervisor Daly

Motion amending the Rules of Order of the Board of Supervisors by amending Rule 6.22 to expressly permit individual members of the Board of Supervisors to maintain and update Webpages hosted on the Website of the Board of Supervisors.

APPROVED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Recommendations of the Land Use Committee

Supervisor Mirkarimi Excused from Voting

Supervisor Dufty, seconded by Supervisor Ammiano, moved to excuse Supervisor Mirkarimi at his request, because of possible conflict of interest, from voting on File No. 0516367. The motion carried by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 2 - Alioto-Pier, Mirkarimi

051637 [Subdivision Code – Planning Commission hearings on condominium conversions]
Supervisor Daly

Ordinance amending Subdivision Code Section 1332 to require Planning Commission hearings to address General Plan consistency for all condominium conversion applications subject to Subdivision Code Sections 1396 et seq., the condominium conversion lottery; and making environmental findings.

01/10/05, Amendment of the Whole at Board.

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 2 - Alioto-Pier, Mirkarimi

Ordinance amending Subdivision Code Sections 1332 and 1359 to require Planning Commission hearings to address General Plan consistency for all condominium conversion applications subject to Subdivision Code Sections 1396 et seq., the condominium conversion lottery; and making environmental findings.

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 6 - Ammiano, Daly, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Dufty, Elsbernd, Ma
Excused: 2 - Alioto-Pier, Mirkarimi

051822 [Residential Housing Purchaser Protection Ordinance]
Supervisor Daly

Ordinance amending Administrative Code Section 37.10A to require property owners and their agents to disclose to prospective buyers of residential property consisting of two or more units, the legal ground(s) for the termination of a tenancy and whether any units were occupied by elderly and or disabled tenants at the time of termination of tenancy.

Supervisor Daly, seconded by Supervisor Ammiano, moved an amendment of the whole bearing new title.
Motion to amend passed by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, McGoldrick, Peskin, Sandoval
Excused: 1-Alioto-Pier

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to amend on page 4, lines 17-21, to replace section i.
Motion to amend failed by the following vote:
Ayes: 3 - Dufty, Elsbernd, Ma
Noes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

01/10/05, Amendment of the Whole at Board.

Supervisor Daly, seconded by Supervisor McGoldrick, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Ordinance amending Administrative Code Section 37.10A to require property owners to disclose to prospective buyers of residential property consisting of two or more units, the legal ground(s) for the termination of a tenancy and whether any units were occupied by elderly and or disabled tenants at the time of termination of tenancy.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Dufty, Elsbernd, Ma
Excused: 1 - Alioto-Pier

Recommendations of the Rules Committee

051439 [Campaign Finance Reform Amendments of 2005]
Supervisor Mirkarimi

Ordinance amending the Campaign and Governmental Conduct Code by adding a new Section 1.103, amending Sections 1.100, 1.104, 1.112, 1.114, 1.120, 1.128, 1.130, 1.134, 1.144, 1.152, 1.168, and 1.170, repealing Section 1.118, and repealing Chapter 3 of Article 1, Sections 1.300, 1.305, 1.310, 1.312, 1.315 and 1.320 to: (1) make technical changes including the correction of grammatical or reference errors and the reordering of Sections; (2) conform the Campaign Finance Reform Ordinance to the adoption of Ranked Choice Voting; (3) move the Electronic Filing Ordinance from Chapter 3 of Article 1 of the Campaign and Governmental Conduct Code to the Campaign Finance Reform Ordinance; and (4) expressly set forth a statute of limitations for criminal, civil, administrative and collection actions brought under the Campaign Finance Reform Ordinance. (Ethics Commission)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051652 [Office of Labor Standards Enforcement]
Supervisors Ammiano, Mirkarimi

Ordinance adding Section 2A.23 to Chapter 2 of the San Francisco Administrative Code to establish the Office of Labor Standards Enforcement within the Department of Administrative Services to enforce the Minimum Wage Ordinance, Minimum Compensation Ordinance, Health Care Accountability Ordinance, Prevailing Wage Ordinances and carry out additional duties as established by Charter or ordinance; and amending Section 6.24 of the Administrative Code to delete language duplicative of Section 2A.23.

Supervisor Mirkarimi requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051845 [Confirmation: City Hall Preservation Advisory Commission]
Mayor

Resolution confirming the appointment of James W. Haas, G. Bland Platt and Anne Cervantes for a two year term to the City Hall Preservation Advisory Commission.

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051846 [Confirmation: City Hall Preservation Advisory Commission]
Mayor

Resolution confirming the appointment of Ellen Schumer and Mae Woo for a four year term to the City Hall Preservation Advisory Commission.

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051871 **[Settlement of Lawsuit - Kristen Odlaug v. City and County of San Francisco and Robert Palu]**

Ordinance authorizing settlement of the lawsuit filed by plaintiff Kristen Odlaug against the City and County of San Francisco for payment of $400,000, including all damages, attorneys' fees and costs; the lawsuit was filed on April 13, 2004, in San Francisco Superior Court, Case No. 430-509, entitled Kristen Odlaug v. City and County of San Francisco and Robert Palu.

Continued to January 17, 2006.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051952 **[Board of Supervisors - Meeting Schedule]**

Resolution revising the regular meeting schedule of the Board of Supervisors by canceling the February 21, 2006, May 30, 2006, October 10, 2006, November 28, 2006, December 19, 2006, December 26, 2006 and January 2, 2007 meetings and by canceling all Board and Committee meetings from August 16 through September 5, 2006 and re-instating the regularly scheduled Board of Supervisors meeting on January 17, 2006. (Clerk of the Board)

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051951 **[Rules of Order - Select Committee on Ending Gun and Gang Violence Consists of Five Members]**
Supervisor Maxwell

Motion amending the Board of Supervisors Rules of Order by adding Rule 5.8 to provide that the Select Committee on Ending Gun and Gang Violence shall be comprised of five members of the Board of Supervisors.

APPROVED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Recommendations of the City Operations and Neighborhood Services Committee

051903 [Paratransit Reimbursement – Taxi Meter Rates]
Supervisor Alioto-Pier

Ordinance amending Article 16, Section 1137.5 of the San Francisco Police Code to extend the taxi meter rate offset for the paratransit program to December 31, 2006.

Supervisor McGoldrick, seconded by Supervisor Dufty, moved to pass the ordinance on first ready.
Motion to pass on first reading passed by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, McGoldrick, Sandoval
Noes: 2 - , Elsbernd, Peskin
Excused: 1- Alioto-Pier

Supervisor Daly, seconded by Supervisor Ammiano, moved to rescind the vote.
Motion to rescind the vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, McGoldrick, Peskin, Sandoval
Excused: 1- Alioto-Pier

Supervisor Daly, seconded by Supervisor Ammiano, moved to continue to January 24, 2006.
Motion to continue January 24, 2006:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, McGoldrick, Peskin, Sandoval
Excused: 1- Alioto-Pier

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051458 [Public Works Code - landmark trees, significant trees, and penalties for violations]
Supervisor McGoldrick

Ordinance amending the Public Works Code by amending Section 801 to add to the purposes; by amending Section 802 to modify various definitions; amending Sections 802, 806, and 809 to redefine nuisance trees as hazard trees; amending Sections 802 and 803 authorizing the Urban Forestry Council to succeed to the powers and duties of the Tree Advisory Board and to assume new duties; amending Section 806 to allow for appeals of decisions concerning removal of street trees that are the responsibility of City departments and to extend the notice period to 30 days for removal of street trees that are the responsibility of private property owners; amending Sections 806 and 807 to require imposition of in lieu fees under specified circumstances; adding Section 810A to define significant trees and establish a regulatory program governing their removal; amending Sections 804, 807, and 808 to make conforming changes regarding significant trees; amending Sections 804, 807, 808, and 810 concerning landmark trees and procedures to designate, nominate, and remove landmark trees; amending Section 811 to create civil penalties and fines and to modify provisions on administrative penalties; requiring the Office of the Legislative Analyst to prepare a report concerning financial incentives related to landmark trees; and making environmental findings.

Supervisor Ma dissented in committee.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Elsbernd, Ma
Excused: 1 - Alioto-Pier

051720 [Limousines operating as unlicensed taxicabs; inspection of limousine waybills; criminal and administrative penalties]

Supervisor Elsbernd

Ordinance amending the San Francisco Police Code by: (1) repealing current Section 1165, dealing with local licensing of limousines; (2) amending Section 1078, to re-state the prohibition on limousines acting as unlicensed taxicabs within San Francisco; (3) adding a new Section 1165, pursuant to California Public Utilities Code Section 5371.4(i), to authorize police officers and the Taxi Commission Executive Director to inspect limousine waybills and make violation an infraction; (4) amending Section 1185, to correct certain misdemeanor penalties and increase infraction penalties for violation of Sections 1078 and 1165; and (5) adding Section 1187.1, to authorize imposition of administrative penalties against persons operating a motor vehicle as a taxicab without a permit.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

There were no recognitions or commedations.

SPECIAL ORDER 4:00 P.M.

051751 **[Public Hearing - Appeal of Tentative Parcel Map for 901 Bush Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated October 6, 2005 (Condominium Application No. 2005.0333Q), disapproving a proposed Tentative Parcel Map to legalize the construction of a 38-unit new condominium at 901 Bush Street, Southwest corner at Taylor Street, San Francisco, Lot 001 in Assessor's Block 0282. (Appellant: Matthew A. Brennan, Esq., on behalf of property owners (M-J SF Investments, LLC).

(Filed 10/13/04; companion measure to Files 051752, 051753, 051754; District 3.)

The President inquired as to whether or not any member wished to address the Board.

Charles Rathbone, supporting Public Works disapproval of a proposed tentative parcel map
Francisco Da Costa, position undeclared
Steve Collier, supporting Public Works disapproval of a proposed tentative parcel map
Michael Voltstein, supporting Public Works disapproval of a proposed tentative parcel map
Male speaker, supporting Public Works disapproval of a proposed tentative parcel map
Greg Gladston, representing project sponsor and requested a 3 week continuance
Ted Gullickson, supporting project sponsor
James Netimocker, project sponsor
Male speaker, contractor for project sponsor opposed to Public Works disapproval
Marge Vincent, opposed to Public Works disapproval
Richard Stipmann, supporting Public Works disapproval of a proposed tentative parcel map
Jose Morales, supporting Public Works disapproval of a proposed tentative parcel map
Daisy McArthur, supporting Public Works disapproval of a proposed tentative parcel map
Male speaker, supporting Public Works disapproval of a proposed tentative parcel map
Male speaker, supporting Public Works disapproval of a proposed tentative parcel map

The President declared the public hearing closed.

Supervisor Ma, seconded by Supervisor Sandoval, moved to continue the 901 Bush Street appeal for 3 weeks. Motion to continued failed by the following vote:
Ayes: 3 - Elsbernd, Ma, Sandoval
Noes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1-Alioto-Pier
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Tentative Parcel Map described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051752 [Approving decision of the Director of Public Works and disapproving Tentative Parcel Map for 901 Bush Street]

Motion approving decision of the Director of Public Works, and disapproving Tentative Parcel Map to legalize the proposed construction of a 38-unit condominium located at 901 Bush Street, Lot 001 in Assessor's Block 0282. (Clerk of the Board)

01/10/06, Amendment of the whole bearing a new title.

Supervisor Peskin, seconded by Supervisor McGoldrick, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Ma, Sandoval
Excused: 1 - Alioto-Pier

Motion approving decision of the Director of Public Works, and disapproving Tentative Parcel Map for a 38-unit condominium project located at 901 Bush Street, Lot 001 in Assessor's Block 0282. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Ma, Sandoval
Excused: 1 - Alioto-Pier

051753 [Disapproving decision of the Director of Public Works and approving Tentative Parcel Map for 901 Bush Street]

Motion disapproving decision of the Director of Public Works, and approving Tentative Parcel Map to legalize the proposed construction of a 38-unit new condominium located at 901 Bush Street, Lot 001 in Assessor's Block 0282. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051754 [Findings - 901 Bush Street]

Motion directing the Clerk of the Board to prepare findings relating to Tentative Parcel Map to legalize the proposed construction of a 38-unit condominium located at 901 Bush Street, Lot 001 in Assessor's Block 0282. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

SPECIAL ORDER 4:00 P.M.

051755 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 733-27th Avenue]**
Hearing of persons interested in or objecting to the decision of the Planning Department dated August 24, 2005, exempting from environmental review under Categorical Exemption [State CEQA Guidelines, Section 15301 (Class 1)] the proposed interior renovations, façade alteration and horizontal and vertical extensions of the existing two-family residence. The existing two-story building is approximately 1,848 feet in size and has one off-street parking space. Upon completion of the proposed project, the building would have two residential units in a three-story, approximately 4,700 square-foot building with two off-street parking spaces in the ground floor garage. The proposed project would result in a horizontal addition that would extend the existing building about six feet to the north property line and 18 feet west into the rear yard and a vertical addition that would add a third floor to the existing building. The project would also include interior renovations and alteration of the façade.

The approximately 3,710 square-foot project site is located at 733-27th Avenue (Assessor's Block 1617, Lot 3), The project is within RH-2 (House, Two-Family) zoning district and within a 40X height and bulk district. (Appellant: Stephen M. Williams representing the neighbors of the above-referenced project.)

(Filed 10/13/05; companion measure to Files 051756, 051758, 051758; District 1.)

The President inquired as to whether or not any member wished to address the Board.

Stephen Williams, representative for the appellant
Vincent Marsh, Historic Preservation Consultant for the appellant
Joe Butler, architect, representative for the appellant

Public comment in support of appellant
Ron Miguel
Male speaker
Doug Shultz, appellant
Valerie Lily, property owner in area
Male speaker
Cheryl Shultz, appellant
Cheryl Lejays, resident of area
Jean Barrish, resident of area
Gabe Laberquest
Jen Colium

Paul Maltzer, Environmental Review Officer, Planning Department, reviewed with the Board the Planning Department's recommendation.
N. Mosses Corrette, Planning Department.

David Sincata, representing the project sponsor
Female speaker, representing the project sponsor
Mr. Quach, representing the project sponsor

Speakers on behalf of sponsor
Male speaker
Illene Tran
Lisa Liou
Larry Sykes
Francisco Da Costa

Appellant rebuttal
Stephen Williams, representative for the appellant
Vincent Marsh, Historic Preservation Consultant for the appellant

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051756 **[Affirming the categorical exemption issued for 733-27th Avenue]**

Motion affirming the determination by the Planning Department that the 733-27th Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor McGoldrick moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Ma
Excused: 1 - Alioto-Pier

051757 **[Disapproving the categorical exemption issued for 733-27th Avenue]**

Motion disapproving the determination by the Planning Department that the 733-27th Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Ma
Excused: 1 - Alioto-Pier

051758 **[Preparation of findings related to the categorical exemption issued for 733-27th Avenue]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 733-27th Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Ma
Excused: 1 - Alioto-Pier

SPECIAL ORDER 4:30 P.M.

051996 **[Public Hearing - Appeal of Determination of Exemption from Environmental Review for Proposed Ordinance Regulating Off Street Parking in C-3 Zoning Districts]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated September 23, 2005, Case No. 2005.0796E, exempting from environmental review a Board of Supervisors proposed ordinance (Board File No. 051453) amending San Francisco Planning Code Sections 151, 151.1, 154, 155, 155.5, 166, and 167. The proposed legislation would amend Section 151 to set no minimum number of off-street parking spaces per dwelling unit and to provide that a maximum of one parking space per two dwelling units may be permitted by conditional use permit in C-3 zoning districts. Section 151.1, to require that, in C-3 zoning districts, the Planning Commission review any request for accessory parking in excess of what is permitted by right. Section 154, to provide that there are no minimum area or dimension requirements for off-street parking spaces in C-3 zoning districts, except for the off-street parking spaces designated for persons with disabilities. Section 155, to require below grade off-street parking in C-3 zoning district, set forth the width of openings in any single development for access to off-street parking, and prohibit sidewalk narrowings for porte cocheres to accommodate passenger loading and unloading. Section 155.5, to require a minimum number of bicycle parking spaces in dwelling units in C-3 zoning districts. Section 166, to require that, in C-3 zoning districts, newly constructed buildings that contain residential uses have a minimum number of off-street car-share parking spaces. Section 167, to provide that in C-3 zoning districts, the costs of off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more must be leased or sold separately from the rent or purchase fees for the dwelling units, subject to an exception by the Planning Commission for affordable housing projects where parking and housing costs must be bundled together. (Appellants: Wade Randlett on behalf of SFSOS, J. Timothy Falvey on behalf of Union Square Association and Katherine Mattes on behalf of BOMA-SF.)

The President inquired as to whether or not any member wished to address the Board.

Male speaker
public comment
male speaker
Norman Rolfe, supports rejection of the appeal
Lawrence Badiner, Environmental Health

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051997 **[Affirming the CEQA exemption determination issued for proposed ordinance regulating off-street parking in C-3 zoning districts]**

Motion affirming the determination by the Planning Department that a proposed ordinance regulating off-street parking in C-3 zoning districts is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Sandoval, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Ma
Excused: 1 - Alioto-Pier

051998 **[Disapproving the CEQA exemption determination issued for a proposed ordinance regulating off-street parking in C-3 zoning districts]**

Motion disapproving the determination by the Planning Department that a proposed ordinance regulating off-street parking in C-3 zoning districts is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Sandoval, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Ma
Excused: 1 - Alioto-Pier

051999 **[Preparation of findings related to the CEQA exemption determination issued for a proposed ordinance regulating off-street parking in C-3 zoning districts]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that a proposed ordinance regulating off-street parking in C-3 zoning districts is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Sandoval, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Ma
Excused: 1 - Alioto-Pier

SPECIAL ORDER 5:00 P.M.

051991 **[Public Hearing - Conditional Use Appeal for 2660 Harrison Street]**

Hearing of persons interested in or objecting to the Planning Commission by its Motion No. 17139 dated November 3, 2005, approving Conditional Use Application No. 2004.0672ECV, subject to certain conditions, to allow the construction of dwelling units within a C-M (Heavy Commercial) zoning district pursuant to Planning Code Section 215(a) in order to demolish an existing vacant commercial building and construct two new four story over garage buildings containing a total of sixty-eight dwelling units and sixty-eight off-street parking spaces on a property within a C-M (Heavy Commercial) zoning district, the 'Housing/Mixed Use' sub-area of the Eastern Neighborhoods planning area as set forth in Planning Commission Resolution Number 16727, and a 40-X Height and Bulk District, located at 2660 Harrison Street, on the west side between 22nd and 23rd Streets. (Appellant: Sue Hestor, attorney for Nick Pagoulatos/Mission Anti-Displacement; subscribed by Supervisors Tom Ammiano, Chris Daly, Aaron Peskin, Sophie Maxwell and Jake McGoldrick.)

(Filed 12/5/05; companion measure to Files 051992, 051993, 051994; District 9.)

Continued to January 24, 2006.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Alioto-Pier

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051992 **[Approving Planning Commission decision related to Conditional Use Appeal for 2660 Harrison Street]**

Motion approving decision of the Planning Commission by its Motion No. 17139, approving Conditional Use Application No. 2004.0672ECV on a property located at 2660 Harrison Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to January 24, 2006.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Alioto-Pier

051993 **[Disapproving Planning Commission decision related to Conditional Use Appeal for 2660 Harrison Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 17139, approving Conditional Use Application No. 2004.0672ECV on a property located at 2660 Harrison Street. (Clerk of the Board)

Continued to January 24, 2006.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Alioto-Pier

051994 **[Preparation of findings related to the Conditional Use Appeal for 2660 Harrison Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2004.0672ECV on a property located at 2660 Harrison Street, for action by the Board at its next meeting. (Clerk of the Board)

Continued to January 24, 2006.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Alioto-Pier

COMMITTEE REPORTS

052006 **[Appropriation of Assessments Levied for Business Improvement Districts]**
Supervisor Peskin

Ordinance amending the Fiscal Year 2005-2006 Annual Appropriation Ordinance to appropriate revenues collected from special assessments for disbursement to the respective nonprofit Owners' Associations for administration of the property-based business improvement districts in San Francisco for authorized purposes.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

052018 [Contract with Owners' Association for administration of North of Market/Tenderloin Community Benefit District]
Supervisor Daly

Resolution approving an agreement with the nonprofit Owners' Association for administration of the property-based business improvement district known as the "North of Market/Tenderloin Community Benefit District" pursuant to Section 36651 of the Streets and Highways Code.

ADOPTED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051967 [Contract with Owners' Association for administration of Noe Valley Community Benefit District]
Supervisor Dufty

Resolution approving an agreement with the nonprofit Owners' Association for administration of the property-based business improvement district known as the "Noe Valley Community Benefit District" pursuant to Section 36651 of the Streets and Highways Code.

ADOPTED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051968 [Contract with Owners' Association for administration of Castro/Upper Market Community Benefit District]
Supervisor Dufty

Resolution approving an agreement with the nonprofit Owners' Association for administration of the property-based business improvement district known as the "Castro/Upper Market Community Benefit District" pursuant to Section 36651 of the Streets and Highways Code.

ADOPTED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

052026 [Contract with Owners' Association for administration of Fisherman's Wharf Community Benefit District]
Supervisor Peskin

Resolution approving an agreement with the nonprofit Owners' Association for administration of the property-based business improvement district known as the "Fisherman's Wharf Community Benefit District" pursuant to Section 36651 of the Streets and Highways Code.

ADOPTED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

052030 **[Contract with Owners' Association for administration of 2500 Block of Mission Street Business Improvement District]**
Supervisor Ammiano

Resolution approving an agreement with the nonprofit Owners' Association for administration of the property-based business improvement district known as the "2500 Block of Mission Street Business Improvement District" pursuant to Section 36651 of the Streets and Highways Code.

ADOPTED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Cadisa Jacobs, expressed concern about the Tenderloin Neighborhood Development Corp. and their Building Maintenance
James Chaffe, expressed concerns over public library issues and LAFCO's discussion of public wireless access
Mr. Lou, expressed Chinese New Years Parade organizers exemption of Falun Gong.
Female speaker, expressed concerns over the Chinese Chamber of Commerce discrimination of Falun Gong.
Evan, expressed concerns of the persecution of Falun Gong.
Eva Chuck, expressed concerns over the Chinese Chamber of Commerce handling of applications for inclusion in the Chinese New Years Parade
Michele, expressed concerns over discrimination against Falun Gong practitioners
Richard Shipmann, expressed concerns over the Auto Return theft and destruction of property
Ace Washington, express concerns over police brutality and use of the City Hall pressroom
Female speaker, expressed concerns over discrimination against Falun Gong.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

052014 **[Declaration of Election Results]**
Supervisor Peskin

Resolution declaring the results of the November 8, 2005 Consolidated Special Statewide Election.

ADOPTED

052031 [Supporting Assembly Bill 944 (Ridley Thomas)]
Supervisors Ammiano, Maxwell, McGoldrick, Daly

Resolution urging the Governor of California and the California Senate and Assembly to support the passage of Assembly Bill 944 (Ridley Thomas) which will require a warning label be conspicuously posted wherever firearms are sold and that the warning be included in firearms sales contracts and further that the warning be included in the Handgun Safety Certificate Study Guide published by the California Department of Justice.

ADOPTED

052032 [Commending George Gulbengay upon his retirement from the San Francisco Police Department]
Supervisors Dufty, Elsbernd, Ma

Resolution commending George Gulbengay upon his retirement from the San Francisco Police Department.

Supervisors Elsbernd and Ma requested to be added as a co-sponsors.
ADOPTED

052033 [Urging the renaming of Western Addition Branch Library]
Supervisors Mirkarimi, Dufty

Resolution urging the Library Commission to rename the Western Addition Branch Library as the Mary Helen Rogers Branch Library.

Supervisor Dufty requested to be added as a co-sponsor.
ADOPTED

052034 [Final Map for a 33 Unit Commercial/Residential Condominium Project - 1728-1748 Haight Street]
Motion approving Final Map of 1728-1748 Haight Street, a Commercial / Residential Condominium Project, being a subdivision of Lot 035 in Assessor's Block No. 1229, and adopting findings pursuant to Planning Code Section 101.1.

(DPW Order No. 175774; District 5.)

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Elsbernd, Sandoval
Excused: 1 - Alioto-Pier

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

052043 [Settlement of Lawsuit -Frank Euphrate, et al.]
Ordinance authorizing settlement of the lawsuit filed by Frank Euphrate against the City and County of San Francisco for $925,000; the lawsuit was filed on September 10, 2003 in San Francisco Superior Court, Case No. 424-288; entitled Frank Euphrate, et al., v. City and County of San Francisco, et al. (City Attorney)
12/19/05, RECEIVED AND ASSIGNED to Rules Committee.

052044 **[Settlement of Lawsuit - Mary Williams]**

Ordinance authorizing settlement of the matter of Mary Williams v. City and County of San Francisco for $225,000. The lawsuit was filed on November 5, 2004 in San Francisco Superior Court, Case No. 436-121; entitled Mary Williams v. City and County of San Francisco, et al. (City Attorney)

12/19/05, RECEIVED AND ASSIGNED to Rules Committee.

052052 **[Permitting unattended vehicles in white zones in front of schools when the vehicle displays a special disabled license plate or placard, and in front of child care centers]**

Ordinance amending Traffic Code Section 38.C to permit vehicles to be left unattended in a white zone in front of schools when the vehicle displays a special disabled license plate or placard, and in front of child care centers. (Parking and Traffic Department)

12/29/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

PROPOSED RESOLUTIONS

052039 **[Fuel Contract 70881 - Office of Contract Administration]**

Resolution authorizing the Purchaser to award contract for Fuel, Diesel, Bio-Diesel and Gasoline as the contract will exceed $10,000,000.00. (Purchaser)

12/9/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

052042 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.
STOP SIGNS - ESTABLISH
Mangels at Colon Avenues, making this intersection an All-Way STOP. (Parking and Traffic Department)

(12/13/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3111.)

12/14/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

052045 **[Proposition J Certification, Status Offender Shelter and Intake Services]**

Resolution concurring with the Controller's certification that Intake and Shelter Services to Status Offenders can be practically performed by a private contractor for a lower cost than similar services performed by city and county employees. (Juvenile Probation Department)

12/20/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

052047 **[Quitclaim of Water Pipeline Easement]**

Resolution approving the quitclaim of a water pipeline easement located at 1410 El Camino Real, South San Francisco, San Mateo County to the owner of the underlying fee interest in the property for a purchase price of $30,000; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sale by quitclaim is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents and take certain actions in furtherance of this resolution. (Real Estate Department)

12/30/05, RECEIVED AND ASSIGNED to Land Use Committee.

052048 **[Contract funds to participate in the traineeship for AIDS prevention studies at the University of California at San Francisco Center on AIDS Prevention]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement with the University of California San Francisco, Center on AIDS Prevention Studies (UCSFCAPS) the primary contractor, and expend funds in the amount of $43,407 in order to participate in the traineeship for AIDS prevention studies (TAPS) at UCSFCAPS for the period of September 1, 2005, through August 31, 2006. (Public Health Department)

12/30/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

052049 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

NO PARKING, 6 AM TO 9 AM, MONDAY THROUGH FRIDAY, EXCEPT VANPOOLS - RESCIND
Folsom Street, both sides, between First and Spear Streets

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Hayes Street, south side, from the northbound Octavia Boulevard Frontage Road to 14.5 feet westerly. (Parking and Traffic Department)

(12/23/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3113.)

12/29/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

052050 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Lakewood Way at Fairfield Way, stopping the northbound direction of Lakewood Way;
Amazon Avenue at Madrid Street, making this intersection an All-Way STOP;
Francisco Street and Laguna Street, stopping Francisco Street at Laguna Street, the stem of this T-intersection; and,
York Street at Peralta Avenue, stopping the stem of this T-intersection. (Parking and Traffic Department)

(12/23/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3113.)

12/29/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

052051 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

NO RIGHT TURN EXCEPT MUNI - ESTABLISH
Market Street, southbound, at Clayton Street.

NO LEFT TURN, 7AM TO 9AM AND 4PM TO 7PM, MONDAY THROUGH FRIDAY - ESTABLISH
Potrero Avenue, northbound, at 22nd Street. (Parking and Traffic Department)

(12/22/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3113.)

12/29/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

ADJOURNMENT

The meeting adjourned at 7:12 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

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Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Land Use Committee Supervisors Maxwell, Sandoval, McGoldrick	Thursday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano, Alioto-Pier, Dufty	1st and 3rd Monday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll Supervisor Ammiano was noted absent.

There was a quorum.

Supervisor Ammiano was previously excused from attending the meeting. (See Infra)

Supervisor Ammiano Excused from Attendance

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Ammiano from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

AGENDA CHANGES

Supervisor Alioto-Pier, seconded by Supervisor Daly, moved to take Public Comment out of order in order to accommodate physically challenged individuals. The President indicated that Public Comment will be allowed for other members of the public at the scheduled Public Comment portion of the Board Agenda.

COMMUNICATIONS

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

051559 [An ordinance conforming state law, provisions of the Administrative Code, which permit any person who is liable for tax on property that has been damaged or destroyed by misfortune or calamity, to apply to the Assessor for reassessment]
Supervisor Elsbernd

Ordinance amending Section 10.2-5 of the San Francisco Administrative Code to conform to Section 170 of Chapter 2.5, Part 1, Division 1 of the California Revenue and Taxation Code providing that every assessee of any taxable property, or any person liable for the taxes thereon, whose property was damaged or destroyed, without his or her fault, by a misfortune or calamity, may apply for reassessment of that property; specifying the nature of the damage or destruction required to be eligible for reassessment; and also specifying that the Assessor-Recorder may initiate the reassessment where the Assessor-Recorder determines that within the preceding 12 months taxable property located in the County was damaged or destroyed, for the purpose of providing property tax relief to residents of the City and County of San Francisco.

FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

051720 [Limousines operating as unlicensed taxicabs; inspection of limousine waybills; criminal and administrative penalties]
Supervisor Elsbernd

Ordinance amending the San Francisco Police Code by: (1) repealing current Section 1165, dealing with local licensing of limousines; (2) amending Section 1078, to re-state the prohibition on limousines acting as unlicensed taxicabs within San Francisco; (3) adding a new Section 1165, pursuant to California Public Utilities Code Section 5371.4(i), to authorize police officers and the Taxi Commission Executive Director to inspect limousine waybills and make violation an infraction; (4) amending Section 1185, to correct certain misdemeanor penalties and increase infraction penalties for violation of Sections 1078 and 1165; and (5) adding Section 1187.1, to authorize imposition of administrative penalties against persons operating a motor vehicle as a taxicab without a permit.

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

052006 [Appropriation of Assessments Levied for Business Improvement Districts]
Supervisor Peskin

Ordinance amending the Fiscal Year 2005-2006 Annual Appropriation Ordinance to appropriate revenues collected from special assessments for disbursement to the respective nonprofit Owners' Associations for administration of the property-based business improvement districts in San Francisco for authorized purposes.

FINALLY PASSED

Recommendations of the Rules Committee

051439 [Campaign Finance Reform Amendments of 2005]
Supervisor Mirkarimi

Ordinance amending the Campaign and Governmental Conduct Code by adding a new Section 1.103, amending Sections 1.100, 1.104, 1.112, 1.114, 1.120, 1.128, 1.130, 1.134, 1.144, 1.152, 1.168, and 1.170, repealing Section 1.118, and repealing Chapter 3 of Article 1, Sections 1.300, 1.305, 1.310, 1.312, 1.315 and 1.320 to: (1) make technical changes including the correction of grammatical or reference errors and the reordering of Sections; (2) conform the Campaign Finance Reform Ordinance to the adoption of Ranked Choice Voting; (3) move the Electronic Filing Ordinance from Chapter 3 of Article 1 of the Campaign and Governmental Conduct Code to the Campaign Finance Reform Ordinance; and (4) expressly set forth a statute of limitations for criminal, civil, administrative and collection actions brought under the Campaign Finance Reform Ordinance. (Ethics Commission)

FINALLY PASSED

051745 [Settlement of Lawsuit - Dazell Mallory]

Ordinance authorizing settlement of the lawsuit filed by plaintiff Dazell Mallory against the City and County of San Francisco for payment of $53,150, including all damages, attorneys' fees and costs; the lawsuit was filed on February 24, 2005, in San Francisco Superior Court, Case No. 438-930, entitled Dazell Mallory v. San Francisco Public Library, the City and County of San Francisco, and Does 1-100. (City Attorney)

FINALLY PASSED

051812 [Settlement of Lawsuit - Theresa Koenig]

Ordinance authorizing settlement of the lawsuit filed by Theresa Koenig against the City and County of San Francisco for $190,000; the lawsuit was filed on November 16, 2001 in San Francisco Superior Court, Case No. 401-374; entitled Theresa Koenig, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

051813 [Settlement of Lawsuit - Tania Tavasieff Foley]

Ordinance authorizing settlement of the lawsuit filed by Tania Tavasieff Foley against the City and County of San Francisco for $75,000; the lawsuit was filed on September 7, 2004 in San Francisco Superior Court, Case No. 434-496; entitled Tania Tavasieff Foley v. City and County of San Francisco, Mortimer John Joyce, Jr., and Stephen Waichi Wong. (City Attorney)

FINALLY PASSED

051814 [Settlement of Lawsuit - Aircraft Service International, DHL Express (USA) as successor in interest to Airborne Express ("Airborne"), Atlantic Richfield Co., ChevronTexaco, Shell, Signature Flight Support, and Unocal]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against Aircraft Service International, DHL Express (USA) as successor in interest to Airborne Express ("Airborne"), Atlantic Richfield Co., ChevronTexaco, Shell, Signature Flight Support, and Unocal, for the payment to the Airport of environmental clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal). (City Attorney)

FINALLY PASSED

051820 **[Settlement of proceeding before the California Public Utilities Commission regarding the December 2003 fire at PG&E's Mission Substation and the subsequent outage]**
Supervisors McGoldrick, Maxwell

Ordinance authorizing settlement of the proceeding before the California Public Utilities Commission, Investigation 05-03-011, to determine whether PG&E should be found in violation of state law and fined in connection with the December 2003 fire at the Mission Substation and the subsequent outage affecting 100,000 customers in San Francisco.

FINALLY PASSED

051877 **[Settlement of Lawsuit - Carol Renault v. CCSF, et al.]**
Ordinance authorizing settlement of the lawsuit filed by Carol Renault against the City and County of San Francisco for $900,000; the lawsuit was filed on July 20, 2004 in San Francisco Superior Court, Case No. 433-157; entitled Carol Renault v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

051878 **[Settlement of Lawsuit - 1750 Connecticut Street, et al., v. CCSF, et al.]**
Ordinance authorizing settlement of the lawsuit filed by 1750 Connecticut Street against the City and County of San Francisco for $75,000; the lawsuit was filed on August 20, 2004 in San Francisco Superior Court, Case No. 433-992; entitled 1750 Connecticut Street, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

051896 **[Settlement of Lawsuit - National Center for International Schools, et al., v. CCSF, et al.]**
Ordinance authorizing settlement of the lawsuit filed by National Center for International Schools against the City and County of San Francisco for $178,667.42; the lawsuit was filed on October 28, 2004 in San Francisco Superior Court, Case No. 435-875; entitled National Center for International Schools, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

051899 **[Settlement of Lawsuit - Evan Weiss Arkush, et al., v. CCSF, et al.]**
Ordinance authorizing settlement of the lawsuit filed by Evan Weiss Arkush against the City and County of San Francisco for $125,000; the lawsuit was filed on July 26, 2004 in San Francisco Superior Court, Case No. 432-947; entitled Evan Weiss Arkush, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

051458 [Public Works Code - landmark trees, significant trees, and penalties for violations]
Supervisor McGoldrick

Ordinance amending the Public Works Code by amending Section 801 to add to the purposes; by amending Section 802 to modify various definitions; amending Sections 802, 806, and 809 to redefine nuisance trees as hazard trees; amending Sections 802 and 803 authorizing the Urban Forestry Council to succeed to the powers and duties of the Tree Advisory Board and to assume new duties; amending Section 806 to allow for appeals of decisions concerning removal of street trees that are the responsibility of City departments and to extend the notice period to 30 days for removal of street trees that are the responsibility of private property owners; amending Sections 806 and 807 to require imposition of in lieu fees under specified circumstances; adding Section 810A to define significant trees and establish a regulatory program governing their removal; amending Sections 804, 807, and 808 to make conforming changes regarding significant trees; amending Sections 804, 807, 808, and 810 concerning landmark trees and procedures to designate, nominate, and remove landmark trees; amending Section 811 to create civil penalties and fines and to modify provisions on administrative penalties; requiring the Office of the Legislative Analyst to prepare a report concerning financial incentives related to landmark trees; and making environmental findings.

Supervisor Ma dissented in committee.

FINALLY PASSED by the following vote:

Ayes: 7 - Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Elsbernd, Ma
Excused: 1 - Ammiano

Recommendations of the Land Use Committee

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

050601 [Better Neighborhoods Planning and Implementation Process]
Supervisors McGoldrick, Maxwell

Ordinance amending the Administrative Code to add Chapter 36 to establish uniform procedures for developing comprehensive neighborhood plans (the "Better Neighborhoods Planning and Implementation Process"); amending Administrative Code Section 3.4 to provide for integrated Better Neighborhoods Plan budget documents; amending Planning Code to add Section 312A regarding discretionary review for projects proposed in Better Neighborhoods Plan areas; and Section 312B to establish permit review procedures for certain projects within Better Neighborhoods Plan areas; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

Supervisor Peskin, seconded by Supervisor Dufty, moved to further amend.
Motion to adopt the amendment carried without objection.

Rereferred to Committee as amended.

Supervisor Peskin, seconded by Supervisor Dufty, moved that this Ordinance be RE-REFERRED to the Land Use Committee. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

051637 **[Subdivision Code – Planning Commission hearings on condominium conversions]**
Supervisor Daly

Ordinance amending Subdivision Code Sections 1332 and 1359 to require Planning Commission hearings to address General Plan consistency for all condominium conversion applications subject to Subdivision Code Sections 1396 et seq., the condominium conversion lottery; and making environmental findings.

Supervisor Mirkarimi previously excused from voting on this matter.

Continued to January 24, 2006

Supervisor Daly, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 2 - Ammiano, Mirkarimi

051822 **[Residential Housing Purchaser Protection Ordinance]**
Supervisor Daly

Ordinance amending Administrative Code Section 37.10A to require property owners to disclose to prospective buyers of residential property consisting of two or more units, the legal ground(s) for the termination of a tenancy and whether any units were occupied by elderly and or disabled tenants at the time of termination of tenancy.

FINALLY PASSED by the following vote:

Ayes: 6 - Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma
Excused: 1 - Ammiano

Recommendations of the Rules Committee

051652 **[Office of Labor Standards Enforcement]**
Supervisors Ammiano, Mirkarimi

Ordinance adding Section 2A.23 to Chapter 2 of the San Francisco Administrative Code to establish the Office of Labor Standards Enforcement within the Department of Administrative Services to enforce the Minimum Wage Ordinance, Minimum Compensation Ordinance, Health Care Accountability Ordinance, Prevailing Wage Ordinances and carry out additional duties as established by Charter or ordinance; and amending Section 6.24 of the Administrative Code to delete language duplicative of Section 2A.23.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

051871 [Settlement of Lawsuit - Kristen Odlaug v. City and County of San Francisco and Robert Palu]

Ordinance authorizing settlement of the lawsuit filed by plaintiff Kristen Odlaug against the City and County of San Francisco for payment of $400,000, including all damages, attorneys' fees and costs; the lawsuit was filed on April 13, 2004, in San Francisco Superior Court, Case No. 430-509, entitled Kristen Odlaug v. City and County of San Francisco and Robert Palu.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

NEW BUSINESS

Recommendations of the Land Use Committee

051983 [Changing the official sidewalk width - Turk Street]
Supervisor Daly

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1568 to change the official sidewalk width on the southerly side of Turk Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

Supervisor Daly requested to be added as sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

051984 [Changing the official sidewalk width - Market, Main, and Spear Streets]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1567 to change the official sidewalk widths on the southerly side of Market Street, easterly side of Main Street, and the westerly side of Spear Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk widths changes. (Public Works Department)

Supervisor Daly requested to be added as sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

From the Land Use Committee Without Recommendation

051948 [Street Encroachment at 365 Main Street]

Resolution granting revocable permission to Harrison 160, LLC, for a street encroachment comprised of two (2) existing previously installed vaults that encroach into the public sidewalk right-of-way, located at 365 Main Street (Block 3745, Lot 008) and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

(Supervisor McGoldrick dissenting in committee)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

SPECIAL ORDER 4:00 P.M.

051852 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 730 Great Highway]

Hearing of persons interested in or objecting to the decision of the Planning Department dated July 19, 2004, (Case No. 031009E), exempting from environmental review under General Rule (State CEQA Guidelines, Section 15061 (b)(3)), the proposed construction project at 730 Great Highway. The project would construct a three-story, four-unit dwelling structures, 31.5 feet high with 6,540 square feet living area, 840 square feet garage which accommodate 4 off-street parking spaces. The proposed site is a 3,360 square feet vacant lot at east Great Highway and about 141 feet south from Balboa Street, zoned RM1, 40-X Height and Bulk District, within coastal Special Use District (SUD) and Special Sign District (SSD). (Appellant: Stephen M. Williams representing the Ocean Parc Village Homeowners Association.)

The President inquired as to whether or not any member of the public wished to address the Board.

Continued to January 24, 2006

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051853 **[Affirming the categorical exemption issued for 730 Great Highway]**

Motion affirming the determination by the Planning Department that the 730 Great Highway project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 24, 2006

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

051854 **[Disapproving the categorical exemption issued for 730 Great Highway]**

Motion disapproving the determination by the Planning Department that the 730 Great Highway project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 24, 2006

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

051855 **[Preparation of findings related to the categorical exemption issued for 730 Great Highway]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 730 Great Highway project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 24, 2006

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

SPECIAL ORDER 4:00 P.M.

052035 **[Hearing - Appeal of Categorical Exemption from Environmental Review for 1043-1045 Francisco Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department granting a Categorical Exemption from environmental review as part of a variance application (Case No. 2005.0032DV, Building Permit Application No. 2004.02.10.6005S), the proposed project at 1043-1045 Francisco Street, Lot 020 in Assessor's Block 0477. The proposal is to add a one-story horizontal addition over the existing one-story extension at the rear of the existing building. The site contains a two-story (with one-story section at the rear where the addition is proposed) over basement, two-family building at the front of the lot and a one-story, two-car garage at the rear of the lot. The project originally proposed to expand the garage, but that part of the project has been eliminated.

The lot size is 4,726 square feet, within RH-2 (Residential House, Two-Family) District and 40X Height and Bulk District. (Appellant: Stephen M. Williams).

(Filed 12/9/05; companion measure to Files 052036, 052037, 052038; District 2.)

The President inquired as to whether or not any member of the public wished to address the Board.
Stephen Williams representing the appellant requested a continuance.
Representative for the project sponsor was not aware of a request for a continuance.
Continued to January 31, 2006.

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

052036 **[Affirming the categorical exemption issued for 1043-1045 Francisco Street]**

Motion affirming the determination by the Planning Department that the 1043-1045 Francisco Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 31, 2006

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

052037 **[Disapproving the categorical exemption issued for 1043-1045 Francisco Street]**

Motion disapproving the determination by the Planning Department that the 1043-1045 Francisco Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 31, 2006

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

052038 **[Preparation of findings related to the appeal of the CEQA exemption determination issued for 1043-1045 Francisco Street]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that a project at 1043-1045 Francisco Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 31, 2006

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

ROLL CALL FOR INTRODUCTIONS

Pursuant to the Board of Supervisors Rule No. 3.9

Supervisor Ma provided the Board with an update on the Disaster Council on which she represents the Board of Supervisors.
Supervisor Sandoval provided the Board with an update on the San Francisco Employees Retirement System on which he represents the Board of Supervisors.

PUBLIC COMMENT

Nick Feldman; showed interest for a an alternate attendant care call for service for disabled individuals
Peter Mendoza; showed interest for a an alternate attendant care call for service for disabled individuals
Female speaker; showed interest for a an alternate attendant care call for service for disabled individuals
Male speaker; showed interest for a an alternate attendant care call for service for disabled individuals
Mayor's Office on Disability representative Mr. Stein; showed interest for a an alternate attendant care call for service for disabled individuals
Francisco di Costa; showed interest for a an alternate attendant care call for service for disabled individuals
Abdullah Megaheed; expressed gratitude to the Board and expressed concernwith the Iraq War
James Chafee; showed interest in the Bond issue for the San Francisco Library
Rubin; expressed concern with issues relating to eviction notices
Walter; showed interest in general issues
Eugene Gordon Jr.; expressed concern with issues relating to human rights
John DiDonna; showed interest in the celebration of Martin Luther King
Omar; expressed concern with the closing of schools in San Francisco
Parent and staff member of the SFUSD; expressed concern with the closing of schools in San Francisco
Mr. Estes; expressed concern with the closing of schools in San Francisco
Mrs. Zeigler; expressed concern with the persecution of the Falun Gong practitioners
Jenny Chang; expressed concern with the persecution of the Falun Gong practitioners
Ben Duncan; expressed concern with the persecution of the Falun Gong practitioners
Katrina Marlow; expressed concern with issues relating to her reputation
Joan Livingston; expressed concern with the closing of the schools in San Francisco
Rose Chung; expressed concern with the persecution of the Falun Gong practitioners
Ace Washington; expressed concern with issues relating to the Press Room in in City Hall and issues regarding Chanel 29
George Hickley; expressed concern with the closing of San Francisco schools
Vicky Lydner; expressed concern with the closing of San Francisco schools

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

060037 **[Commending Christine Quinn]**
Supervisors Ammiano, Dufty

Resolution commending New York City Council member Christine Quinn for being selected as the new Speaker of the New York City Council and for being the first woman, openly gay and Irish Speaker of the City Council of New York City.

ADOPTED

060038 **[Extension of SRO Hotel Safety and Stabilization Task Force]**
Supervisors Ammiano, Daly

Resolution extending the operations of the Single Room Occupancy (SRO) Hotel Safety and Stabilization Task Force through December 31, 2006.

Supervisor Daly requested to be added as a co-sponsor.

ADOPTED

060039 **[Accept-expend State Grant Funds available under the Land and Water Conservation Fund Program to fund the 24th Street York Mini Park Project]**
Supervisor Ammiano

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a grant in the amount of $81,190 available under the Federal Land and Water Conservation Fund Program administered by the National Park Service under the provisions of the Land and Water Conservation Fund Act of 1965 for the development of the 24th Street York Mini Park.

ADOPTED

060040 **[Accept-expend State Grant Funds available under the Youth Soccer and Recreation Development Program to fund the South of Market Area (SOMA) Park]**
Supervisor Daly

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a grant in the amount of $630,000 for the development of the South of Market Area (SOMA) Park, under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 administered by the California Department of Parks and Recreation, Office of Grants and Local Services.

ADOPTED

060041 **[75th Anniversary of the San Francisco Golden Gloves]**
Supervisor Ma

Resolution commending the 75th anniversary of the San Francisco Golden Gloves.

ADOPTED

060042 **[Accept-expend State Grant Funds available under the State Urban Parks and Healthy Communities Program to fund the Argonne Playground Project]**
Supervisor McGoldrick

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a grant in the amount of $664,428 for the development of the Argonne Playground Project, under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 administered by the California Department of Parks and Recreation, Office of Grants and Local Services.

ADOPTED

060043 **[Adopting policies on the reimbursement of expenses and ethics training]**
Supervisor Peskin

Resolution adopting policies and procedures for the reimbursement of officers and employees for authorized expenses incurred in the performance of official duties and designating certain employees to receive ethics training specified in State law.

ADOPTED

060044 **[Lee Mallory Day]**
Supervisor Peskin

Resolution declaring January 10th, 2006, Lee Mallory Day in San Francisco.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

060006 **[Settlement of Claims - Pacific Gas & Electric Company]**

Ordinance authorizing settlement of a claim filed by Pacific Gas & Electric Company (PG&E) against the City and County of San Francisco (City) and a complaint filed by the City against PG&E. PG&E's claim was filed on April 9, 2004, in the United States Bankruptcy Court and amended on June 1 and June 11, 2004, Case No. 01-30923-DM, Adversary Proceeding No. 04-3071. The City's complaint against PG&E was filed on June 29, 2005 at the Federal Energy Regulatory Commission, Docket No. EL05-133-000.

1/9/06, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

060004 **[Interdepartmental jurisdictional transfer of property near Islais Creek]**

Resolution transferring jurisdiction of the real property identified as portions of Assessor's Parcel Nos. 4352/001 and 4382/005 from the Public Utilities Commission to the Municipal Transportation Agency as part of the new Islais Creek Motor Coach Operations and Maintenance Facility; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the transfer of jurisdiction is consistent with the City's General Plan and the Eight Priority Policies of Planning Code Section 101.1. (Real Estate Department)

1/5/06, RECEIVED AND ASSIGNED to Land Use Committee.

060005 **[Contract funds to support research on HIV/AIDS in under-researched populations]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to enter into an agreement with the San Mateo Medical Center (SMMC), the primary contractor, and expend funds in the amount of up to $74,920 in order to support research on HIV/AIDS in under-researched populations in California, and to add one 0.5 position funded under this agreement; for the period of January 1, 2006, to December 31, 2006. (Public Health Department)

1/4/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:09 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

DOCUMENTS DEPT.
JAN 27 2006
SAN FRANCISCO
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Tuesday, January 24, 2006 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Land Use Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano, Alioto-Pier, Dufty	1st and 3rd Monday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll Supervisors Ammiano and Alioto-Pier were noted absent.

There was a quorum.

Supervisor Ammiano was noted present at 2:06 p.m.
Supervisor Alioto-Pier was previously excused from attending the meeting for Jury Duty service.

AGENDA CHANGES

COMMUNICATIONS

Gloria L. Young, Clerk of the Board, informed the Board she was in receipt of a communication from the Mayor vetoing File No. 051822 legislation relating to Residential Housing Purchaser Protection Ordinance. The matter will be on the January 31, 2006 Board agenda for consideration.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

051942 [Amendment to Paratransit Broker Agreement]

Resolution approving Amendment No. 6 to Agreement between the City and County of San Francisco and ATC/Vancom, Inc., to lease up to 20 accessible vans to the Contractor to be subleased to Lift Van/ADA Access service providers participating in the City's Paratransit Program. (Municipal Transportation Agency)

ADOPTED

052045 [Proposition J Certification, Status Offender Shelter and Intake Services]

Resolution concurring with the Controller's certification that Intake and Shelter Services to Status Offenders can be practically performed by a private contractor for a lower cost than similar services performed by city and county employees. (Juvenile Probation Department)

ADOPTED

Recommendations of the Land Use Committee

051983 [Changing the official sidewalk width - Turk Street]
Supervisor Daly

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1568 to change the official sidewalk width on the southerly side of Turk Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

FINALLY PASSED

051984 [Changing the official sidewalk width - Market, Main, and Spear Streets]
Supervisor Daly

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1567 to change the official sidewalk widths on the southerly side of Market Street, easterly side of Main Street, and the westerly side of Spear Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk widths changes. (Public Works Department)

Supervisor Daly requested to be added as sponsor.
FINALLY PASSED

Recommendations of the Rules Committee

051871 [Settlement of Lawsuit - Kristen Odlaug v. City and County of San Francisco and Robert Palu]
Ordinance authorizing settlement of the lawsuit filed by plaintiff Kristen Odlaug against the City and County of San Francisco for payment of $400,000, including all damages, attorneys' fees and costs; the lawsuit was filed on April 13, 2004, in San Francisco Superior Court, Case No. 430-509, entitled Kristen Odlaug v. City and County of San Francisco and Robert Palu.

FINALLY PASSED

052043 [Settlement of Lawsuit -Frank Euphrate, et al.]
Ordinance authorizing settlement of the lawsuit filed by Frank Euphrate against the City and County of San Francisco for $925,000; the lawsuit was filed on September 10, 2003 in San Francisco Superior Court, Case No. 424-288; entitled Frank Euphrate, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051980 [Unlitigated Claim against Pacific Gas and Electric Company]
Resolution authorizing settlement of the unlitigated claim by the City and County of San Francisco against Pacific Gas and Electric Company for $615,222.78 for damages caused by power outage of December 20-21, 2003. (City Attorney)

ADOPTED

051986 **[Settlement of Claim - AMPCO System Parking]**

Resolution approving the settlement of the unlitigated claim for Parking Tax Refund filed by AMPCO System Parking against San Francisco for $93,134.80. (City Attorney)

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

060101 **[Adopting findings related to affirming the CEQA exemption determination issued for a proposed ordinance regulating off-street parking in C-3 zoning districts]**

Motion adopting findings affirming the determination by the Planning Department that the proposed ordinance regulating off-street parking in C-3 zoning districts is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

APPROVED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060059 **[Motion adopting findings related to the categorical exemption issued for 733 27th Avenue]**

Motion adopting findings related to the determination by the Planning Department that the 733 27th Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

(Companion measure to Files 051755, 051756, 051757, 051758.)

APPROVED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Recommendation of the City Operations and Neighborhood Services Committee

051903 **[Paratransit Reimbursement – Taxi Meter Rates]**
Supervisor Alioto-Pier

Ordinance amending Article 16, Section 1137.5 of the San Francisco Police Code to extend the taxi meter rate offset for the paratransit program to December 31, 2006.

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Ordinance be RE-REFERRED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Recommendation of the Land Use Committee

051637 **[Subdivision Code – Planning Commission hearings on condominium conversions]**
Supervisor Daly

Ordinance amending Subdivision Code Sections 1332 and 1359 to require Planning Commission hearings to address General Plan consistency for all condominium conversion applications subject to Subdivision Code Sections 1396 et seq., the condominium conversion lottery; and making environmental findings.

Supervisor Mirkarimi previously excused from voting on this matter.

FINALLY PASSED by the following vote:

Ayes: 6 - Ammiano, Daly, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Dufty, Elsbernd, Ma
Absent: 1 - Mirkarimi
Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Rules Committee

051539 **[Confirming the appointment of the Director of Transportation to the Transbay Joint Powers Authority]**

Resolution confirming the appointment of the Director of Transportation to the Transbay Joint Powers Authority as the representative of the Municipal Transportation Agency Board of Directors, effective August 16, 2005. (Municipal Transportation Agency)

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Mirkarimi
Excused: 1 - Alioto-Pier

051898 **[Appointment - Local Homeless Coordinating Board]**

Resolution appointing Christine Ma, M.D., for a term to be determined, to the Local Homeless Coordinating Board, residency requirement waived. (Controller)

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Mirkarimi
Excused: 1 - Alioto-Pier

CALLED FROM THE CITY AND SCHOOL DISTRICT SELECT COMMITTEE

Board of Supervisors Sitting as a Committee of the Whole

060073 **[Hearing - S.F. Unified School District Superintendent Severance Package]**

Hearing to consider a proposed resolution urging San Francisco Unified School District Superintendent Arlene Ackerman to forego the provision in her current contract for a $375,000 severance package. (Clerk of the Board)

President inquired as to whether or not any member of the public wished to address the Board.
Male Speaker; opposed to the resolution requesting the SFUSD Superintendent to forego her severance package
Amos Brown, former Supervisor; opposed to the resolution requesting the SFUSD Superintendent to forego her severance package
Pastor; opposed to the resolution requesting the SFUSD Superintendent to forego her severance package
Charlie Walker; opposed to the resolution requesting the SFUSD Superintendent to forego her severance package
The President of the Board declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

051580 **[Urging SFUSD Superintendent Arlene Ackerman to forego the provision in her current contract for a $375,000 severance package]**
Supervisors Sandoval, Daly

Resolution urging San Francisco Unified School District Superintendent Arlene Ackerman to forego the provision in her current contract for a $375,000 severance package.

Supervisor Daly requested to be added as a co-sponsor.
ADOPTED by the following vote:
Ayes: 6 - Ammiano, Daly, Elsbernd, McGoldrick, Peskin, Sandoval
Noes: 4 - Dufty, Ma, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Ma, seconded by Supervisor Maxwell, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Ma welcomed, introduced and presented Certificate of Honors to the winners of the poster for Center for Independent Living Resource Center.

SPECIAL ORDER 4:00 P.M.

051852 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 730 Great Highway]**
Hearing of persons interested in or objecting to the decision of the Planning Department dated July 19, 2004, (Case No. 031009E), exempting from environmental review under General Rule (State CEQA Guidelines, Section 15061 (b)(3)), the proposed construction project at 730 Great Highway. The project would construct a three-story, four-unit dwelling structures, 31.5 feet high with 6,540 square feet living area, 840 square feet garage which accommodate 4 off-street parking spaces. The proposed site is a 3,360 square feet vacant lot at east Great Highway and about 141 feet south from Balboa Street, zoned RM1, 40-X Height and Bulk District, within coastal Special Use District (SUD) and Special Sign District (SSD). (Appellant: Stephen M. Williams representing the Ocean Parc Village Homeowners Association.)

President inquired as to whether or not any member of the public wished to address the Board.

Continued to February 7, 2006

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051853 **[Affirming the categorical exemption issued for 730 Great Highway]**
Motion affirming the determination by the Planning Department that the 730 Great Highway project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 7, 2006

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051854 **[Disapproving the categorical exemption issued for 730 Great Highway]**
Motion disapproving the determination by the Planning Department that the 730 Great Highway project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 7, 2006

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051855 **[Preparation of findings related to the categorical exemption issued for 730 Great Highway]**
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 730 Great Highway project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 7, 2006

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M.

051936 **[Public Hearing - Appeal of Final Mitigated Negative Declaration for 2660 Harrison Street]**
Hearing of persons interested in or objecting to the decision of the Planning Department dated November 3, 2005, File Number 2004.0672E, for the proposed development project at 2660 Harrison Street.

(Filed 11/23/05; companion measure to Files 051936, 051937, 051938, 051939, District 9.)on

President inquired as to whether or not any member of the public wished to address the Board.
George Hauser, Architect for the sponsor indicating support of the continuance

Continued to February 7, 2006

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the final mitigated negative declaration decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051937 [Affirming adoption of the final mitigated negative declaration for 2660 Harrison Street]

Motion affirming Planning Commission adoption of the final mitigated negative declaration for 2660 Harrison Street. (Clerk of the Board)

Continued to February 7, 2006

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051938 [Reversing adoption of the final mitigated negative declaration for 2660 Harrison Street]

Motion reversing the Planning Commission adoption of the final mitigated negative declaration for 2660 Harrison Street. (Clerk of the Board)

Continued to February 7, 2006

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051939 [Preparation of findings to reverse adoption of the final mitigated negative declaration for 2660 Harrison Street]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for 2660 Harrison Street. (Clerk of the Board)

Continued to February 7, 2006

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M.

051991 [Public Hearing - Conditional Use Appeal for 2660 Harrison Street]

Hearing of persons interested in or objecting to the Planning Commission by its Motion No. 17139 dated November 3, 2005, approving Conditional Use Application No. 2004.0672ECV, subject to certain conditions, to allow the construction of dwelling units within a C-M (Heavy Commercial) zoning district pursuant to Planning Code Section 215(a) in order to demolish an existing vacant commercial building and construct two new four story over garage buildings containing a total of sixty-eight dwelling units and sixty-eight off-street parking spaces on a property within a C-M (Heavy Commercial) zoning district, the 'Housing/Mixed Use' sub-area of the Eastern Neighborhoods planning area as set forth in Planning Commission Resolution Number 16727, and a 40-X Height and Bulk District, located at 2660 Harrison Street, on the west side between 22nd and 23rd Streets. (Appellant: Sue Hestor, attorney for Nick Pagoulatos/Mission Anti-Displacement; subscribed by Supervisors Tom Ammiano, Chris Daly, Aaron Peskin, Sophie Maxwell and Jake McGoldrick.)

(Filed 12/5/05; companion measure to Files 051992, 051993, 051994; District 9.)

Continued to February 7, 2006

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051992 **[Approving Planning Commission decision related to Conditional Use Appeal for 2660 Harrison Street]**
Motion approving decision of the Planning Commission by its Motion No. 17139, approving Conditional Use Application No. 2004.0672ECV on a property located at 2660 Harrison Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to February 7, 2006

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051993 **[Disapproving Planning Commission decision related to Conditional Use Appeal for 2660 Harrison Street]**
Motion disapproving decision of the Planning Commission by its Motion No. 17139, approving Conditional Use Application No. 2004.0672ECV on a property located at 2660 Harrison Street. (Clerk of the Board)

Continued to February 7, 2006

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051994 **[Preparation of findings related to the Conditional Use Appeal for 2660 Harrison Street]**
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2004.0672ECV on a property located at 2660 Harrison Street, for action by the Board at its next meeting. (Clerk of the Board)

Continued to February 7, 2006

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

051142 [Construction and Demolition Debris Recovery]
Mayor, Supervisors Ma, Sandoval

Ordinance amending the Building Code by amending Chapter 13 of the Building Code to change the title of the Chapter from "Energy Conservation" to "Resource Conservation" and adding Chapter 13B entitled "Construction and Demolition Debris Recovery Program;" amending the Health Code by adding Sections 288 and 288.1; and amending the Environment Code by adding Chapter 14, entitled Construction and Demolition Debris Recovery Ordinance, to establish a comprehensive program to require the recovery rather than landfill disposal of construction and demolition debris generated in San Francisco by prohibiting disposal of such debris with garbage; imposing requirements and conditions in building permits; establishing a program to register construction and demolition debris transporters and processing facilities; and establishing enforcement mechanisms including penalties; amending the Police Code Section 39-1 to implement the new program; setting an operative date; and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051818 [Green Business Program]
Supervisors Maxwell, Sandoval

Ordinance amending the Environment Code by adding Chapter 15 to authorize a City-wide Green Business Program and amending Business and Tax Regulations Code Section 906.2 to require a clean technology business to be a recognized Green Business in order to be eligible for a payroll tax exclusion under that section.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Supervisor Alioto-Pier was noted present at 3:15 p.m.

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Rodney; showed interest in approving no-smoking in bus shelters and banning medical marijuana dispensaries
James Chaffee; expressed concern with Friends and Foundation of the SF Library
Walter: showed interest in general issues
Eugene Gordon, Jr. expressed concern with issues relating to language adaptive visuals
Walter Turner; expressed concern with naming Seattle Seahawks as its official football team for 2006 playoff season
Ida Stranton; expressed concern with the merging of the John Swett Elementary School
Ann Connery; expressed concern with the merging of the John Scott Elementary School
Junta Wilson; expressed concern with the merging of the John Scott Elementary School
Abduallah Meathead; expressed concern with issues relating to closing schools
Rata Daly; expressed concern with the merging of the John Scott Elementary School
Jeremy Jeffries;expressed concern with the merging of the John Swett Elementary School
Brett Midldler; expressed concern with issues relating to the Falun Gong practitioners
Dr. Charles Lee; expressed gratitude to the Board for signing a resolution supporting him while in prison and expressed concern with issues relating to the Falun Gong practitioners
Sherry Wong; expressed gratitude to the Board for signing a resolution supporting Dr. Lee while in prison and expressed concern with issues relating to the Falun Gong practitioners
Stephen Dreyfus; expressed concern with street artist performers permits and process
Eva; expressed concern with street artist performers permits and process
Densel Adams; expressed concern with street artist performers permits and process
Michael Adams; expressed concern with street artist performers permits and process
Rubin David Goodman; expressed issues relating to the Empress Hotel and evictions
Michael; expressed concern with issues relating to Public Access TV (Channel 29)
Ace Washington; expressed concern with issues relating to Public Access TV (Channel 29) and the availability of the press room in City Hall
Ron Martin; expressed concern with naming Seattle Seahawks as its official football team for 2006 playoff season
Female speaker; expressed concern with issues relating to the Falun Gong practitioners
Gil Criswell; expressed concern with issues relating to PUC and street light outages
Steve Zeltzer; expressed concern with issues relating to Public Access TV (Channel 29)
Gypsy; employee of Public Access TV, showed support of Public Access TV (Channel 29)
David Pap; producer of Public Access TV; showed support of Public Access TV (Channel 29)
Daniel; expressed concern with the merging of the John Swett Elementary School
Bonnie Zeigler; expressed concern with issues relating to Public Access TV (Channel 29)
Diana Gear; producer at Public Access TV; expressed concern with issues relating to Public Access TV (Channel 29)
C. Toya; producer at Public Access TV; expressed concern with issues relating to Public Access TV (Channel 29)

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

060067 **[Affirming the San Francisco's City of Refuge Ordinance and condemning the "Border Protection, Anti-Terrorism, and Illegal Immigration Control Act", HR 4437]**
Supervisors Daly, Sandoval, Mirkarimi

Resolution affirming the City and County of San Francisco's City of Refuge Ordinance and its commitment to providing a safe, healthy and dignified place to live for its immigrant communities, regardless of immigration status and condemning the "Border Protection, Anti-Terrorism, and Illegal Immigration Control Act" – HR 4437.

Supervisor Mirkarimi requested to be added as a co-sponsor.
ADOPTED

060068 **[National Blood Donor Month]**
Supervisor Ma

Resolution recognizing January 2006 as "National Blood Donor Month".

ADOPTED

060070 **[Commending the Martin Luther King-Marcus Garvey Cooperative Square Apartments]**
Supervisor Mirkarimi

Resolution commending the Martin Luther King-Marcus Garvey Cooperative Square Apartments.

ADOPTED

060071 **[Endorsing Old Mint Grant Application]**
Supervisor Peskin

Resolution endorsing the application to the California Cultural and Historical Endowment (CCHE) by the San Francisco Museum and Historical Society for CCHE Grant Funds to assist in the seismic retrofit of the historic Old Mint as a central part of the effort to rehabilitate and restore the historic building and create therein a San Francisco History Museum and supporting continued site control by the San Francisco Museum and Historical Society of the Old Mint for such purposes.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Without Reference to Committee Agenda

Supervisor McGoldrick requested that this matter be severed so that it might be considered separately

060069 **[19th Avenue & Park Presidio Blvd. - Signal Upgrades]**
Supervisors Ma, Elsbernd, Mirkarimi

Resolution urging the California Department of Transportation (CalTrans) to promptly upgrade the traffic signals on 19th Avenue.

Amended on page 1, line 4, after "19th Avenue" by inserting "Park Presidio Blvd." and on page 2, line 5, after "19th Avenue" by inserting "Park Presidio Blvd." New Title.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Resolution urging the California Department of Transportation (CalTrans) to promptly upgrade the traffic signals on 19th Avenue and Park Presidio Blvd.

Supervisor Mirkarimi requested to be added as a co-sponsor.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately

060072 **[Recommending that the City and County of San Francisco adopt the Seattle Seahawks as its official football team for the duration of the 2006 playoff season]**
Supervisor Sandoval

Resolution recommending that the City and County of San Francisco adopt the Seattle Seahawks as its official football team for the duration of the 2006 playoff season.

REFERRED.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

060048 **[Public Auction]**
Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)
1/10/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060049 **[Contract funds to receive reimbursement for children enrolled in the Healthy Kids insurance program]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to enter into a two year agreement with the California Managed Risk Medical Insurance Board (MRMIB) to receive reimbursement for children enrolled in the Healthy Kids insurance program, and expend funds in the amount of up to $4,378,351; for the period of July 1, 2005, through June 30, 2007. (Public Health Department)
1/10/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 1/23/06, Supervisor Dufty requested to be added as sponsor.

060054 **[MUNI Operator Restrooms at Various Locations]**
Resolution granting revocable permission to Municipal Transportation Agency (MTA), to occupy a portion of the public right-of-way to install and maintain one (1) MUNI Operator Restroom at each of the following locations: within an existing traffic island on Geneva Avenue at Munich Street; on the westerly sidewalk of Main Street, southerly of Howard Street; on the easterly sidewalk of Main Street, northerly of Mission Street, and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)
1/12/06, RECEIVED AND ASSIGNED to Land Use Committee.

060056 **[Contract funds to provide evaluations for the SAGE Health Education and Prevention Services Project]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to enter retroactively into a subcontract agreement with the SAGE Project, Inc., the primary contractor, and expend funds in the amount of $205,000 to provide local process and outcome evaluations for the SAGE Health Education and Prevention Services Project for the period of September 30, 2005, to September 29, 2010. (Public Health Department)
1/12/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 1/23/06, Supervisor Dufty requested to be added as sponsor.

060058 **[Contract approval - Municipal Transportation Quality Review]**
Resolution approving the award and execution of San Francisco Municipal Railway Contract Number CCO 05-914, Municipal Quality Review, to Nelson\Nygaard Consulting Associates, to conduct the Quality Review required under Charter Section 8A.107, for a total contract amount not to exceed $50,000 and for a Charter Section 8A.107, for a total contract amount not to exceed $50,000 and for a term of two years, with an option to extend up to an additional two years to cover the nest review period. (Municipal Transportation Agency)
1/12/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:25 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689*

VOTES

MEETING MINUTES - DRAFT

DOCUMENTS DEPT.
FEB 10 2006
SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, February 7, 2006 2:00 PM

**Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

Regular Meeting

***AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL***

Gloria L. Young, Clerk of the Board

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BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano, Alioto-Pier, Dufty	1st and 3rd Monday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Sandoval, moved to approve the Meeting Minutes of January 17, 2006. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

AGENDA CHANGES

COMMUNICATIONS

Gloria L. Young, Clerk of the Board, informed the Board she was in receipt of a communication from the Mayor vetoing File No. 051637 legislation relating to Planning Commission hearings on condominium conversions.
The matter will be on the February 14, 2006 Board agenda for consideration.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

051759 [Rewards to Informants (Real Estate Watchdogs) for Information Related to the Detection of Underpayment of Property Tax]
Supervisors Alioto-Pier, Peskin, Daly, Dufty, Maxwell, Mirkarimi, Ma

Ordinance amending Chapter 10 of the San Francisco Administrative Code by adding Sections 10.177-2 and 10.177-3, authorizing the Assessor to recommend rewards for information related to the detection of underpayment of tax owed to the City and County of San Francisco. (Assessor-Recorder)

FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

052052 [Permitting unattended vehicles in white zones in front of schools when the vehicle displays a special disabled license plate or placard, and in front of child care centers]
Supervisors Ma, McGoldrick

Ordinance amending Traffic Code Section 38.C to permit vehicles to be left unattended in a white zone in front of schools when the vehicle displays a special disabled license plate or placard, and in front of child care centers. (Parking and Traffic Department)

FINALLY PASSED

Recommendation of the Land Use Committee

051676 [24th Street – Noe Valley Neighborhood Commercial District – full-service restaurants and bars]
Supervisor Dufty

Ordinance amending Planning Code Sections 728.41 and 728.42 of the 24th Street – Noe Valley Neighborhood Commercial District to provide for a limited number of new full-service restaurants and new bar uses that satisfy specific requirements and obtain conditional use authorization; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

051963 [Memorandum of Understanding - Local 21, AFL-CIO]
Mayor

Ordinance adopting and implementing the agreement between the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO and the City and County of San Francisco to resolve a grievance regarding the application of performance bonus language for Fiscal Year 2004-2005 in the parties' Memorandum of Understanding and to implement the amended performance bonus language for Fiscal Year 2005-2006 in Amendment No. 5 to the Memorandum of Understanding, effective upon adoption.

(Fiscal impact.)

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier

Recommendation of the Land Use Committee

051142 [Construction and Demolition Debris Recovery]
Mayor, Supervisors Ma, Sandoval

Ordinance amending the Building Code by amending Chapter 13 of the Building Code to change the title of the Chapter from "Energy Conservation" to "Resource Conservation" and adding Chapter 13B entitled "Construction and Demolition Debris Recovery Program;" amending the Health Code by adding Sections 288 and 288.1; and amending the Environment Code by adding Chapter 14, entitled Construction and Demolition Debris Recovery Ordinance, to establish a comprehensive program to require the recovery rather than landfill disposal of construction and demolition debris generated in San Francisco by prohibiting disposal of such debris with garbage; imposing requirements and conditions in building permits; establishing a program to register construction and demolition debris transporters and processing facilities; and establishing enforcement mechanisms including penalties; amending the Police Code Section 39-1 to implement the new program; setting an operative date; and making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Rules Committee

060052 [Appointment - Western SOMA Citizens' Planning Task Force]

Resolution appointing Daniel Becco, term ending November 23, 2007, to the Western SOMA Citizens' Planning Task Force.

Daniel Becco, new appointment, seat 17, must represent labor, for the unexpired portion of a three-year term ending November 23, 2007.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Rules Committee Without Recommendation

052008 **[Charter Amendment - Requiring that one-time revenues be spent only for one-time uses, unless otherwise authorized by the Board of Supervisors]**
Supervisors Elsbernd, Ma

Charter amendment (First Draft) to add Section 9.120 to require that one-time revenues be spent only for one-time uses, unless the Board of Supervisors appropriates the revenues for another purpose by a two-thirds' vote.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

051773 **[Public Financing for Mayoral Candidates]**
Supervisors Mirkarimi, Maxwell, Ammiano, Daly, McGoldrick

Ordinance amending the Campaign and Governmental Conduct Code by amending sections 1.104, 1.108, 1.130, 1.134, 1.136, 1.138, 1.140, 1.142, 1.144, 1.148, 1.150, 1.152, 1.154, 1.156 and 1.170 and adding sections 1.134.5, 1.138.5, 1.140.5, 1.144.5 and 1.146 to create a public financing program for mayoral candidates, appropriate funding for the program and make other changes to the Campaign Finance Reform Ordinance.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Elsbernd

060030 **[Weights and Measures–Registration and Inspection Fees]**
Mayor

Ordinance amending Section 1.13-5 of the San Francisco Administrative Code, to set new fees for the registration and inspection of weighing and measuring devices, based on each device and business location.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060064 **[2006 Finance Corporation Equipment Program]**
Mayor

Resolution approving the form of and authorizing execution and delivery by the City and County of San Francisco of an equipment lease Supplement No. 13 (Series 2006A Bonds) between the City and County of San Francisco Finance Corporation, as lessor, and the City and County of San Francisco, as lessee, with respect to the equipment to be used for city purposes, a related certificate of approval and a continuing disclosure certificate; approving the issuance of lease revenue bonds by said nonprofit corporation in an amount not to exceed $10,750,000; approving the form of the official statement in preliminary and final form; providing for reimbursement to the City and County of San Francisco of certain city expenditures incurred prior to the issuance of lease revenue bonds; and providing for the execution of documents in connection therewith.

(Fiscal impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use Committee

051443 **[Amending the Electrical Code regarding headroom requirements for panelboards, entrances for 1200 amp rated equipment, use of non-metallic sheathed cable in multifamily dwellings, and making clerical changes]**

Ordinance amending Articles 89, 100, 110, 210, 215, 220, 230, 250, 300, 333, 334, 336, 340, 348, 350, 352, 351, 348, 378, 331, 362, 384, 410, 411, 645, 700, 760, and 800 of the Electrical Code to make minor clerical changes for greater clarity, to extend the general requirement for headroom about panelboards to residential panelboards rated not more than 200 amps, to provide that equipment rated 1200 amps or more, regardless of width, requires an entrance to each end of the working space, to allow for non-metallic sheathed cable to be installed in multifamily dwellings with Type III, IV and V construction up to 4 stories in height, and to make findings in accordance with California Health and Safety Code Section 17958.5 as to the local climatic, topological and geological reasons for amending the State Building Code. (Building Inspection Department)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051453 **[Off-Street Parking In C-3 Zoning Districts]**
Supervisors Peskin, Daly

Ordinance amending the San Francisco Planning Code by amending Sections 151, 151.1, 154, 155, 155.5, 161,166, and 167 to impose new requirements in C-3 Zoning Districts regarding permitted off-street parking and loading, allowed off-street freight loading and service vehicle spaces, bicycle parking, car sharing, to separate parking costs from housing costs, to exempt from the legislation projects that received final Planning Department or Planning Commission approval and submitted complete site permit applications prior to the effective date of the legislation, to require the Planning Department to undertake a study of downtown parking issues, and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma

From the Land Use Committee Without Recommendation

050601 [Better Neighborhoods Plus Planning and Implementation Process]
Supervisors McGoldrick, Maxwell

Ordinance amending the Administrative Code to add Chapter 36 to establish uniform procedures for developing comprehensive neighborhood plans (the "Better Neighborhoods Plus Planning and Implementation Process"); amending Administrative Code Section 3.4 to provide for integrated Better Neighborhoods Plus Plan budget documents; amending Planning Code to add Section 312A regarding discretionary review for projects proposed in Better Neighborhoods Plus Plan areas; and Section 312B to establish permit review procedures for certain projects within Better Neighborhoods Plus Plan areas; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Continued to February 14, 2006.

Supervisor McGoldrick, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

051473 [Rule Amendment – Recessed Meetings]
Supervisor Peskin

Motion amending the Rules of Order of the Board of Supervisors by adding Rule 4.39, which provides that when the Board of Supervisors, or one of its committees, recesses a meeting to a time more than twelve hours after the decision to recess, the members shall identify the items being recessed, and direct the Clerk of the Board to process the remaining, decided items on the agenda as completed business; during the reconvened meeting, the Board or the committee shall not consider those items already processed by the Clerk as completed business; and amending Rule 4.37 to provide that Rule 4.39 may not be suspended.

Motion No. M06-13

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

051682 **[Amending Rules 3.7 and 3.8 of the Rules of Order of the San Francisco Board of Supervisors governing the reporting of legislation from Board Committees to the Board]**
Supervisor Peskin

Motion amending Rules 3.7 and 3.8 of the Rules of Order of the Board of Supervisors to provide that Board Committees have until 9:00 a.m. on Thursdays to report legislation to the Board for the following Tuesday's Board meeting.

Motion No. M06-14

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

060035 **[Rules of Order of the Board - Land Use and Economic Development Committee]**
Supervisor Peskin

Motion amending the Rule of Order 5.5 renaming the Land Use Committee the "Land Use and Economic Development Committee".

Motion No. M06-15

APPROVED by the following vote:

Ayes: 9 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier
Absent: 1 - Daly

060045 **[Rules of Order of the Board - Budget and Finance Committee]**
Supervisor Peskin

Motion amending the Rule of Order 5.1, establishing size, membership and jurisdiction of the Budget and Finance Committee.

Motion No. M06-17

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Rules Committee Without Recommendation

052010 **[Charter Amendment - Providing for an annual cost-of-living adjustment to the monthly stipend for members of the Board of Education and the Governing Board of the Community College District]**
Supervisor Daly

Charter Amendment (Second Draft) by amending Sections 8.100 and 8.101 to provide for an annual cost-of-living adjustment to the monthly stipend for members of the Board of Education and the Governing Board of the Community College District, using 1983 as the base year.

Continued to February 14, 2006.

Supervisor Maxwell, seconded by Supervisor Ammiano, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

It was decided to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guest

Supervisor Ammiano introduced and welcomed Seven DiTomaso, who accepted a Certificate of Honor on behalf of the late Will Carter for Black History Month..

SPECIAL ORDER 4:00 P.M.

051852 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 730 Great Highway]**
Hearing of persons interested in or objecting to the decision of the Planning Department dated July 19, 2004, (Case No. 031009E), exempting from environmental review under General Rule (State CEQA Guidelines, Section 15061 (b)(3)), the proposed construction project at 730 Great Highway. The project would construct a three-story, four-unit dwelling structures, 31.5 feet high with 6,540 square feet living area, 840 square feet garage which accommodate 4 off-street parking spaces. The proposed site is a 3,360 square feet vacant lot at east Great Highway and about 141 feet south from Balboa Street, zoned RM1, 40-X Height and Bulk District, within coastal Special Use District (SUD) and Special Sign District (SSD). (Appellant: Stephen M. Williams representing the Ocean Parc Village Homeowners Association.)

The President inquired as to whether or not any member of the public wished to address the Board.

There were none.

The President declared the public hearing closed.

Continued to February 14, 2006
Supervisor McGoldrick, seconded by Supervisor Sandoval, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051853 [Affirming the categorical exemption issued for 730 Great Highway]

Motion affirming the determination by the Planning Department that the 730 Great Highway project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 14, 2006

Supervisor McGoldrick, seconded by Supervisor Sandoval, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051854 [Disapproving the categorical exemption issued for 730 Great Highway]

Motion disapproving the determination by the Planning Department that the 730 Great Highway project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 14, 2006

Supervisor McGoldrick, seconded by Supervisor Sandoval, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051855 [Preparation of findings related to the categorical exemption issued for 730 Great Highway]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 730 Great Highway project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 14, 2006

Supervisor McGoldrick, seconded by Supervisor Sandoval, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M.

051936 [Public Hearing - Appeal of Final Mitigated Negative Declaration for 2660 Harrison Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated November 3, 2005, File Number 2004.0672E, for the proposed development project at 2660 Harrison Street.

(Filed 11/23/05; companion measure to Files 051936, 051937, 051938, 051939, District 9.)

The President inquired as to whether or not any member of the public wished to address the Board.

Following public testimony, the President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the final mitigated negative declaration decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051937 **[Affirming adoption of the final mitigated negative declaration for 2660 Harrison Street]**

Motion affirming Planning Commission adoption of the final mitigated negative declaration for 2660 Harrison Street. (Clerk of the Board)

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Elsbernd, Ma
Absent: 1 - Alioto-Pier

051938 **[Reversing adoption of the final mitigated negative declaration for 2660 Harrison Street]**

Motion reversing the Planning Commission adoption of the final mitigated negative declaration for 2660 Harrison Street. (Clerk of the Board)

Motion No. M06-16

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Elsbernd, Ma
Absent: 1 - Alioto-Pier

051939 **[Preparation of findings to reverse adoption of the final mitigated negative declaration for 2660 Harrison Street]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for 2660 Harrison Street. (Clerk of the Board)

Motion No. M06-18

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Elsbernd, Ma
Absent: 1 - Alioto-Pier

SPECIAL ORDER 4:00 P.M

051991 [Public Hearing - Conditional Use Appeal for 2660 Harrison Street]

Hearing of persons interested in or objecting to the Planning Commission by its Motion No. 17139 dated November 3, 2005, approving Conditional Use Application No. 2004.0672ECV, subject to certain conditions, to allow the construction of dwelling units within a C-M (Heavy Commercial) zoning district pursuant to Planning Code Section 215(a) in order to demolish an existing vacant commercial building and construct two new four story over garage buildings containing a total of sixty-eight dwelling units and sixty-eight off-street parking spaces on a property within a C-M (Heavy Commercial) zoning district, the 'Housing/Mixed Use' sub-area of the Eastern Neighborhoods planning area as set forth in Planning Commission Resolution Number 16727, and a 40-X Height and Bulk District, located at 2660 Harrison Street, on the west side between 22nd and 23rd Streets. (Appellant: Sue Hestor, attorney for Nick Pagoulatos/Mission Anti-Displacement; subscribed by Supervisors Tom Ammiano, Chris Daly, Aaron Peskin, Sophie Maxwell and Jake McGoldrick.)

(Filed 12/5/05; companion measure to Files 051992, 051993, 051994; District 9.)

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Hearing be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051992 [Approving Planning Commission decision related to Conditional Use Appeal for 2660 Harrison Street]

Motion approving decision of the Planning Commission by its Motion No. 17139, approving Conditional Use Application No. 2004.0672ECV on a property located at 2660 Harrison Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

051993 [Disapproving Planning Commission decision related to Conditional Use Appeal for 2660 Harrison Street]

Motion disapproving decision of the Planning Commission by its Motion No. 17139, approving Conditional Use Application No. 2004.0672ECV on a property located at 2660 Harrison Street. (Clerk of the Board)

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

051994 **[Preparation of findings related to the Conditional Use Appeal for 2660 Harrison Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2004.0672ECV on a property located at 2660 Harrison Street, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

COMMITTEE REPORTS

052011 **[Charter Amendment - Port Commission: qualifications and term limits for Port Commission members; increasing the number of Commission members from 5 to 7; criteria for use of Port property; capital and financial plans]**

Supervisor Peskin

Charter Amendment (Second Draft) to amend Section 4.114 to establish minimum qualifications for members of the Port Commission, impose term limits, increase the number of Commission members from five to seven, and limit hold-over appointments, amending Section 3.581 to set criteria for use of property under the Port Commission's jurisdiction and provide that the Port Director may, in his or her sole discretion, appoint and remove heads of Commission divisions and bureaus, and amending Section B3.584, to require long-range capital and financial plans for the Port.

Continued to February 14, 2006.

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

052009 **[Charter Amendment - Homicide Prevention Plan; Survivor Assistance; Funding for Violence Prevention Programs]**

Supervisors Daly, Ammiano, Maxwell, Mirkarimi

Charter amendment (Third Draft) to add Section 16.126 to: establish a San Francisco Homicide Prevention Plan and Homicide Prevention Planning Council; create a Survivors' Advocate and a City fund to help pay specified expenses for survivors of homicide victims; appropriate an additional $20 million per year for the next four years to fund violence prevention programs identified in the Plan; and, set an expiration date.

(Fiscal impact.)
(Supervisor Elsbernd Dissented in Committee)

Continued to February 14, 2006.

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051141 [Public Works Construction - Use of Recycled Content Materials]
Mayor, Supervisor Ma

Ordinance amending Chapter 6 of the Administrative Code by amending section 6.4 to require recycled content materials to be used in public works and improvements to the maximum extent feasible.

This item was not on the agenda.

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

051360 [Legislative Analyst Request - Means Testing]
Supervisor Elsbernd

Motion requesting the Legislative Analyst to survey means testing legislation for rent control in New York City, Boston and other municipalities in Massachusetts, and determine how means testing could be applied to the San Francisco Rent Control Ordinance.

Supervisor Elsbernd, seconded by Supervisor Ma, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

060144 [Legislative Analyst Request - Student Housing Regulations]
Supervisor Elsbernd

Motion requesting the Legislative Analyst to prepare a report on the following issue(s): As the need for student housing at San Francisco State University expands, area residents have expressed concerns regarding regulations. What policies do the cities of Berkeley, Santa Clara and Santa Cruz have in place to ensure the peaceful co-existence of students, universities, and area residents?

APPROVED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

060113 [Supporting the Musicians of the San Francisco Symphony]
Supervisors Ma, Ammiano

Resolution supporting the Musicians of the San Francisco Symphony in their effort to be compensated at a level comparable to what musicians in other leading orchestras receive -- not more and not less.

ADOPTED

060153 [Supporting Compassionate Use of Medical Cannabis]
Supervisors Ammiano, Mirkarimi, Peskin

Resolution supporting the compassionate use of medical cannabis for patients while in the custody of the City and County of San Francisco and other California counties, and reaffirming the right of Steven Wynn Kubby who requires the medicinal use of marijuana to remain in good health while in custody in the Placer County jail.

ADOPTED

060154 [Extension of Arts Task Force]
Supervisor Ammiano

Resolution extending the operations of the Arts Task Force through the implementation of the Arts Task Force recommendations.

ADOPTED

060155 [Supporting the California Energy Commission's recommendation for a cost/risk/benefit analysis of the State's continued reliance on aging nuclear facilities]
Supervisor Ammiano

Resolution supporting the California Energy Commission's recommendation for a cost/risk/benefit analysis of the state's continued reliance on aging nuclear facilities and to support the planning for our state's energy needs and decrease any risks from a radioactive release due to an act of terrorism, malice or insanity, or to earthquake or age-related accidents.

ADOPTED

060157 [Urging State Legislature and Governor to include funding in any state infrastructure bond placed before the voters in 2006]
Supervisors Daly, Dufty

Resolution urging the State Legislature and the Governor to include funding for the Caltrain downtown extension/Transbay Terminal Project and the Statewide High Speed rail system in any state infrastructure bond placed before the voters in 2006.

ADOPTED

060158 **[Commending Joseph B. Williams]**
Supervisors Dufty, Maxwell

Resolution commending Joseph B. Williams on an outstanding career of law and Civic activism and wishing him the best of luck in all of his future endeavors.

ADOPTED

060159 **["National Black HIV/AIDS Awareness Day" in San Francisco]**
Supervisors Maxwell, Dufty, Mirkarimi

Resolution proclaiming February 7th, 2006 as "National Black HIV/AIDS Awareness Day" in San Francisco.

ADOPTED

060161 **[Urging Governor Arnold Schwartzenegger and Senator Don Perata to support placing the $10 billion bond measure to fund a high-speed rail system between San Francisco and Los Angeles on the November 2006 ballot]**
Supervisor Sandoval

Resolution urging Governor Arnold Schwarzenegger and Senator Don Perata to support placing the $10 billion bond measure to fund a high-speed rail system between San Francisco and Los Angeles on the November 2006 ballot.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

Severed from Without Reference to Committee

Supervisor McGoldrick requested that this matter be severed so that it might be considered separately

060121 **[Incorporating Street Performers into the Street Artist Program and designating sound appropriate sales areas for certified Street Artists]**
Supervisor McGoldrick

Resolution recognizing that qualified Street Performers are eligible to participate in the Street Artist Program and urging the designation of sales areas within the Program that are appropriate for amplified sound.

Continued to February 28, 2006

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

Supervisor McGoldrick requested that this matter be severed so that it might be considered separately

060123 [Opposing the Closure to John Swett Alternative School]
Supervisors Mirkarimi, Daly, Ammiano

Resolution opposing San Francisco's Board of Education's decision to close the John Swett Alternative School.

Rule waived, without objection, for sending this item to Committee.

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd
Absent: 1 - Alioto-Pier

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately

060156 [Investigate and Impeach President Bush and Vice President Cheney]
Supervisor Daly

Resolution calling for a full investigation, impeachment or resignation of President George W. Bush and Vice President Richard B. Cheney.

REFERRED to the Government Audit and Oversight Committee.

Supervisor Peskin requested that this matter be severed so that it might be considered separately

060160 [Supporting transparency and accountability in setting refuse collection rates]
Supervisor Peskin

Resolution urging the Director of the Department of the Environment and the Director of the Department of Public Works to develop a detailed cost projection for proposed expenditures from the Solid Waste Impound Account over the proposed 2006-2011 residential refuse rate period and to make these materials available for review by the public.

REFERRED to the Budget and Finance Committee.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved ADOPTION of the purely Commendatory Finding. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved ADOPTION of the purely Brown Act Finding. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

060168 [Commending Sergeant Nicholas Rubino on the occasion of his retirement]
Supervisor Dufty

Resolution commending Sergeant Nicholas Rubino on the occasion of his retirement.

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

060119 [Option Agreement for Sale of Surplus Property]

Resolution approving an Option Agreement for sale of surplus lands located in Mountain View, Santa Clara County, California, under the jurisdiction of the San Francisco Public Utilities Commission ("SFPUC") to KMJ Urban Communities, LLC, a California limited liability company; adopting findings pursuant to the California Environmental Quality Act; and authorizing the Director of Property or the General Manager of the SFPUC to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

1/24/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060129 [Emergency contract to contain and abate hazardous material at the MUNI Woods Facility]

Resolution approving an emergency public work contract to contain and abate a hazardous material diesel fuel spill at the MUNI Woods Facility. (Public Works Department)

1/24/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060130 [Emergency replacement of chiller at San Francisco General Hospital]

Resolution approving an emergency public work contract of the replacement of a chiller at San Francisco General Hospital. (Public Works Department)

1/24/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060131 **[Modification of Easement Deed]**

Resolution approving a modification to an existing Easement Deed between Pacific Gas & Electric Company, a California public utility, and the City and County of San Francisco, acting by and through its Public Utilities Commission ("SFPUC") for the realignment of an existing gas line on City land under the jurisdiction of the SFPUC located in Sunol, California. (Real Estate Department)

1/30/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:56 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

DOCUMENTS DEPT.
FEB 17 2006
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Tuesday, February 14, 2006 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano, Alioto-Pier, Dufty	1st and 3rd Monday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present:	Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum.

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

060030 **[Weights and Measures–Registration and Inspection Fees]**
Mayor

Ordinance amending Section 1.13-5 of the San Francisco Administrative Code, to set new fees for the registration and inspection of weighing and measuring devices, based on each device and business location.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

051795 **[Supporting plug-in hybrid vehicle technology]**
Supervisors Daly, Ma, Ammiano

Resolution urging the Director of Administrative Services and the Director of Contract Administration to purchase plug-in hybrid vehicles for the city fleet, and committing the City and County of San Francisco to support local, state and federal programs that support these vehicles and promote plug-in electric hybrid vehicles.

ADOPTED

060014 [Regional Isolation Facility for TB Patients]
Supervisor Ma

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a new grant in the amount of $50,000 from the State Department of Health Services TB Control Branch (SDHSTBCB), to enter into an agreement for the use of these funds, and to add one position at .33 FTE funded through this grant agreement; for the period of July 1, 2005, to June 30, 2006.

ADOPTED

060021 [Authorize grant funding for the YouthPOWER project from the Substance Abuse Mental Health Services Administration (SAMHSA)]
Supervisors Maxwell, Ma

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a continuation grant from the Substance Abuse Mental Health Services Administration (SAMHSA) in the amount of $200,000 for the YouthPOWER Project; for the period of October 1, 2005, to September 30, 2007.

ADOPTED

060022 [To provide five state funded food and agriculture and pesticide regulation programs in San Francisco]
Supervisor Maxwell

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend five grants in the total amount of $11,320 from the California Department of Food and Agriculture (CDFA) for the seed, nursery, and sudden oak death programs ($2,608) and the petroleum products program ($6,900); and from the California Department of Pesticide Regulation (CDPR) for the pesticide use reporting ($1,812) program, and to enter into agreements for the use of these funds; for the period of July 1, 2005 through June 30, 2006.

ADOPTED

060023 [Grant for supportive housing for chronically homeless exiting criminal justice institutions]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of $739,982 from the Department of Justice (DOJ) for supportive housing for chronically homeless offenders, to enter into an agreement for the use of these funds, and to add 1.5 new positions funded under this agreement; for the period of July 1, 2005 to June 30, 2006.

ADOPTED

060024 [Grant to enhance capacity of local minority HIV/AIDS organizations]
Supervisors Dufty, Ammiano

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to accept retroactively and expend a new federal grant in the amount of $271,665 from the Office of Minority Health (OMH) to enhance the capacity of local minority-based HIV/AIDS organizations, and to enter into an agreement for the use of these funds; for the period of September 1, 2005, to August 31, 2006.

ADOPTED

060025 **[Accept-Expend Federal Grant – Spousal Abuser Prosecution Program]**
Supervisor Ma

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $95,033 through the California Department of Justice for a program entitled "Spousal Abuser Prosecution Program" for fiscal year 2005/2006.

ADOPTED

060049 **[Contract funds to receive reimbursement for children enrolled in the Healthy Kids insurance program]**
Supervisors Dufty, Ma

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to enter retroactively into a two year agreement with the California Managed Risk Medical Insurance Board (MRMIB) to receive reimbursement for children enrolled in the Healthy Kids insurance program, and expend funds in the amount of up to $4,378,351; for the period of July 1, 2005, through June 30, 2007. (Public Health Department)

ADOPTED

060056 **[Contract funds to provide evaluations for the SAGE Health Education and Prevention Services Project]**
Supervisors Dufty, Ma

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to enter retroactively into a subcontract agreement with the SAGE Project, Inc., the primary contractor, and expend funds in the amount of $205,000 to provide local process and outcome evaluations for the SAGE Health Education and Prevention Services Project for the period of September 30, 2005, to September 29, 2010. (Public Health Department)

ADOPTED

060094 **[Contract funds to develop an electronic reporting system for results of hepatitis testing]**
Supervisors Dufty, Ma

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to renew retroactively a contract agreement with Public Health Foundation Enterprises, Inc. (PHFE) the primary contractor, and expend funds in the amount of $141,413 to develop a secure electronic reporting system of hepatitis testing results; for the period of December 30, 2005 to December 29, 2006. (Public Health Department)

ADOPTED

060095 **[Contract funds to conduct interviews and obtain data regarding pre-exposure prophylaxis use by MSM]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to enter retroactively into a subcontract agreement with Public Health Foundation Enterprises, Inc. (PHFE), the primary contractor, and expend funds in the amount of $16,073 to conduct interviews and obtain data on pre-exposure prophylaxis use by MSM for the period of January 1, 2006, to April 30, 2006. (Public Health Department)

ADOPTED

Recommendation of the Land Use Committee

051443 **[Amending the Electrical Code regarding headroom requirements for panelboards, entrances for 1200 amp rated equipment, use of non-metallic sheathed cable in multifamily dwellings, and making clerical changes]**

Ordinance amending Articles 89, 100, 110, 210, 215, 220, 230, 250, 300, 333, 334, 336, 340, 348, 350, 352, 351, 348, 378, 331, 362, 384, 410, 411, 645, 700, 760, and 800 of the Electrical Code to make minor clerical changes for greater clarity, to extend the general requirement for headroom about panelboards to residential panelboards rated not more than 200 amps, to provide that equipment rated 1200 amps or more, regardless of width, requires an entrance to each end of the working space, to allow for non-metallic sheathed cable to be installed in multifamily dwellings with Type III, IV and V construction up to 4 stories in height, and to make findings in accordance with California Health and Safety Code Section 17958.5 as to the local climatic, topological and geological reasons for amending the State Building Code. (Building Inspection Department)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

051637 **[Subdivision Code – Planning Commission hearings on condominium conversions]**
Supervisor Daly

Ordinance amending Subdivision Code Sections 1332 and 1359 to require Planning Commission hearings to address General Plan consistency for all condominium conversion applications subject to Subdivision Code Sections 1396 et seq., the condominium conversion lottery; and making environmental findings.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.
The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on February 3, 2006. Therefore, the Board will loose the ability to override the veto unless it votes on the veto override on or before March 3, 2006.

Consideration of the Mayor's Veto.
Motion to override the Mayor's veto failed by the following vote:
Ayes: 6 - Ammiano, Daly, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma
Excused: 1- Mirkarimi

From the Clerk

060139 **[Adopting findings related to the appeal of the mitigated negative declaration adopted by the Planning Commission on November 3, 2005 for 2660 Harrison Street]**

Motion adopting findings related to the appeal of the mitigated negative declaration adopted by the Planning Commission on November 3, 2005 for 2660 Harrison Street. (Clerk of the Board)

(Companion measure to Files 051936, 051937, 051938, 051939.)

Continued to February 28, 2006

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Ammiano, seconded by Supervisor Alioto-Pier, moved to rescind the previous vote.

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Elsbernd, Ma

APPROVED AS AMENDED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Elsbernd, Ma

Recommendation of the Budget and Finance Committee

051773 **[Public Financing for Mayoral Candidates]**

Supervisors Mirkarimi, Maxwell, Ammiano, Daly, McGoldrick, Ma

Ordinance amending the Campaign and Governmental Conduct Code by amending sections 1.104, 1.108, 1.130, 1.134, 1.136, 1.138, 1.140, 1.142, 1.144, 1.148, 1.150, 1.152, 1.154, 1.156 and 1.170 and adding sections 1.134.5, 1.138.5, 1.140.5, 1.144.5 and 1.146 to create a public financing program for mayoral candidates, appropriate funding for the program and make other changes to the Campaign Finance Reform Ordinance.

(Fiscal impact.)

Supervisor Ma requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Elsbernd

Recommendation of the Land Use Committee

051453 [Off-Street Parking In C-3 Zoning Districts]
Supervisors Peskin, Daly

Ordinance amending the San Francisco Planning Code by amending Sections 151, 151.1, 154, 155, 155.5, 161,166, and 167 to impose new requirements in C-3 Zoning Districts regarding permitted off-street parking and loading, allowed off-street freight loading and service vehicle spaces, bicycle parking, car sharing, to separate parking costs from housing costs, to exempt from the legislation projects that received final Planning Department or Planning Commission approval and submitted complete site permit applications prior to the effective date of the legislation, to require the Planning Department to undertake a study of downtown parking issues, and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Amended by changing the effective date of the legislation to June 1, 2006.

Supervisor Peskin, seconded by Supervisor McGoldrick, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 3 - Alioto-Pier, Ma, Sandoval

FINALLY PASSED by the following vote:

Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma

From the Land Use Committee Without Recommendation

050601 [Better Neighborhoods Plus Planning and Implementation Process]
Supervisors McGoldrick, Maxwell

Ordinance amending the Administrative Code to add Chapter 36 to establish uniform procedures for developing comprehensive neighborhood plans (the "Better Neighborhoods Plus Planning and Implementation Process"); amending Administrative Code Section 3.4 to provide for integrated Better Neighborhoods Plus Plan budget documents; amending Planning Code to add Section 312A regarding discretionary review for projects proposed in Better Neighborhoods Plus Plan areas; and Section 312B to establish permit review procedures for certain projects within Better Neighborhoods Plus Plan areas; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Continued to February 28, 2006

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Rules Committee

052009 **[Charter Amendment - Homicide Prevention Plan; Survivor Assistance; Funding for Violence Prevention Programs]**
Supervisors Daly, Ammiano, Maxwell, Mirkarimi

Charter amendment (Third Draft) to add Section 16.126 to: establish a San Francisco Homicide Prevention Plan and Homicide Prevention Planning Council; create a Survivors' Advocate and a City fund to help pay specified expenses for survivors of homicide victims; appropriate an additional $20 million per year for the next four years to fund violence prevention programs identified in the Plan; and, set an expiration date.

(Fiscal impact.)
(Supervisor Elsbernd Dissented in Committee)

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Elsbernd, Ma

Charter amendment (Fourth Draft) to add Section 16.126 to: establish a San Francisco Homicide Prevention Plan and Homicide Prevention Planning Council; create a Survivors' Advocate and a City fund to help pay specified expenses for survivors of homicide victims; appropriate an additional $20 million per year for the next four years to fund violence prevention programs identified in the Plan; and, set an expiration date.

Continued to February 28, 2006
Board to Sit as a Committee of the Whole
CONTINUED AS AMENDED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Elsbernd, Ma

From the Rules Committee Without Recommendation

052010 **[Charter Amendment - Providing for an annual cost-of-living adjustment to the monthly stipend for members of the Board of Education and the Governing Board of the Community College District]**
Supervisor Daly

Charter Amendment (Second Draft) by amending Sections 8.100 and 8.101 to provide for an annual cost-of-living adjustment to the monthly stipend for members of the Board of Education and the Governing Board of the Community College District, using 1983 as the base year.

Supervisor Daly, seconded by Supervisor Ma, moved that this Charter Amendment be RE-REFERRED to the Rules Committee. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

052011 [Charter Amendment - Port Commission: qualifications and term limits for Port Commission members; increasing the number of Commission members from 5 to 7; criteria for use of Port property; capital and financial plans]
Supervisor Peskin

Charter Amendment (Second Draft) to amend Section 4.114 to establish minimum qualifications for members of the Port Commission, impose term limits, increase the number of Commission members from five to seven, and limit hold-over appointments, amending Section 3.581 to set criteria for use of property under the Port Commission's jurisdiction and provide that the Port Director may, in his or her sole discretion, appoint and remove heads of Commission divisions and bureaus, and amending Section B3.584, to require long-range capital and financial plans for the Port.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Charter Amendment be RE-REFERRED to the Rules Committee. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

051792 [Regulating Deemed Approved Off-Sale Alcohol Uses and Establishing An Annual Fee]
Supervisors Maxwell, Dufty, Peskin, Ma, Mirkarimi

Ordinance amending the Administrative Code to add Chapter 26, ("Deemed Approved Off-Sale Alcohol Use Nuisance Regulations"), deeming all existing non-conforming and permitted off-sale alcohol uses "approved;" establishing an administrative hearing process to abate nuisance activities by deemed approved off-sale alcohol uses; creating a list of performance standards that reflect existing local nuisance and related state and federal laws; providing for an education and outreach program; authorizing penalties for violation of performance standards including administrative penalties from $500 to $1000 or revocation of deemed approved status; providing for appeals of conditions or administrative penalties to the Board of Appeals; providing for appeals of the revocation of deemed approved status to the Board of Supervisors or the Board of Appeals; setting an annual fee of $264 for deemed approved off-sale alcohol uses; establishing a deemed approved off-sale alcohol use nuisance regulation continuing project accounts within the City's General Fund; and making environmental findings.

(Fiscal impact.)

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Continued as amended to February 28, 2006.

Supervisor Ma, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060205 **[Requiring Notice to Potential Buyers of Certain Deemed Approved Off-Sale Alcohol Uses Where the Use Has Violated the Performance Standards.]**

Supervisors Daly, Ammiano

Ordinance amending the ordinance Regulating Deemed Approved Off-Sale Alcohol Uses and Establishing An Annual Fee (Board File No. 051792) by amending Section 26.20 to require that the seller of a Deemed Approved Off-Sale Alcohol Use ("Use") provide certain notice to potential buyers of the Use if the Use has, within the past three years, been the subject of an administrative hearing at which a finding of violation of the Performance Standards was made, at which conditions were imposed on the Use's continued operations, and/or at which administrative penalties were imposed on the Use for violation of the Performance Standards; and making environmental findings.

Continued to February 28, 2006

Supervisor Ammiano requested to be added as a co-sponsor.

Supervisor Daly, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060087 **[Administrative Code Revision: Health Service System]**

Supervisors Elsbernd, Ammiano

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal (Administrative) Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

(Fiscal impact.)

Supervisor Ammiano requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051981 **[2006 Water Revenue Refunding Bonds Issuance]**

Resolution approving the issuance of not to exceed $125,000,000 aggregate principal amount of San Francisco water revenue refunding bonds to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue refunding bonds are issued; and authorizing the taking of appropriate actions in connection therewith; and related matters. (Public Utilities Commission)

(Fiscal impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051982 **[2006 Water Revenue Bonds Issuance]**

Resolution approving the issuance of not to exceed $525,000,000 aggregate principal amount of San Francisco water revenue bonds to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue bonds are issued; and authorizing the taking of appropriate actions in connection therewith; and related matters. (Public Utilities Commission)

(Fiscal impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060058 **[Contract approval - Municipal Transportation Quality Review]**

Resolution approving the award and execution of San Francisco Municipal Railway Contract Number CCO 05-914, Municipal Quality Review, to Nelson\Nygaard Consulting Associates, to conduct the Quality Review required under Charter Section 8A.107, for a total contract amount not to exceed $50,000 and for a term of two years, with an option to extend up to an additional two years to cover the next review period. (Municipal Transportation Agency)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060062 **[Establishing Monthly Contribution Amount]**

Supervisor Elsbernd

Resolution establishing monthly contribution amount to Health Service Trust Fund.

(Fiscal impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the City Operations and Neighborhood Services Committee

051715 **[Better Streets Policy]**

Mayor, Supervisors McGoldrick, Dufty

Ordinance amending the Administrative Code to add Chapter 98, the Better Streets Policy; making environmental findings; authorizing and urging official acts in furtherance of this Ordinance; and requesting General Plan amendments to incorporate the Better Streets Policy and its supporting principles.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051920 **[Granting parking privileges on Baker Street for official vehicles of the Russian Consulate]**
Supervisor Alioto-Pier

Ordinance amending Section 32.6.30 of the San Francisco Traffic Code to grant parking privileges for official vehicles of the Russian Consulate along fifty three feet of the east side of Baker Street near the corner of Green Street.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051809 **[Liquor License, 222 Powell Street]**
Resolution determining that the issuance of a Type 42 On-Sale Beer and Wine Public Premises license and a Type 21 Off-Sale General license to Sirhed Enterprises LLC, for Gallery Market located at 222 Powell Street, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code with conditions.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060005 **[Contract funds to support research on HIV/AIDS in under-researched populations]**
Supervisors Dufty, Ammiano, Maxwell, Mirkarimi

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to enter retroactively into an agreement with the San Mateo Medical Center (SMMC), the primary contractor, and expend funds in the amount of up to $74,920 in order to support research on HIV/AIDS in under-researched populations in California, and to add one 0.5 position funded under this agreement; for the period of July 1, 2005, to June 30, 2006. (Public Health Department)

Supervisors Ammiano, Maxwell and Mirkarimi requested to be added as co-sponsors.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

It was decided to to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests.

Supervisor Maxwell, welcomed and introduced Al Williams, President of the African American Historical Society. Mr. Williams made a presentation in recognition of celebrating February as Black History Month.

SPECIAL ORDER 4:00 P.M.

051852 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 730 Great Highway]**
Hearing of persons interested in or objecting to the decision of the Planning Department dated July 19, 2004, (Case No. 031009E), exempting from environmental review under General Rule (State CEQA Guidelines, Section 15061 (b)(3)), the proposed construction project at 730 Great Highway. The project would construct a three-story, four-unit dwelling structures, 31.5 feet high with 6,540 square feet living area, 840 square feet garage which accommodate 4 off-street parking spaces. The proposed site is a 3,360 square feet vacant lot at east Great Highway and about 141 feet south from Balboa Street, zoned RM1, 40-X Height and Bulk District, within coastal Special Use District (SUD) and Special Sign District (SSD). (Appellant: Stephen M. Williams representing the Ocean Parc Village Homeowners Association.)

The President inquired as to whether or not any member of the public wished to address the Board members. There were none.
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

051853 **[Affirming the categorical exemption issued for 730 Great Highway]**
Motion affirming the determination by the Planning Department that the 730 Great Highway project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051854 **[Disapproving the categorical exemption issued for 730 Great Highway]**
Motion disapproving the determination by the Planning Department that the 730 Great Highway project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051855 **[Preparation of findings related to the categorical exemption issued for 730 Great Highway]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 730 Great Highway project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M

060007 **[Public Hearing - Appeal of Categorical Exemption for No. 1 La Avanzada Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated November 10, 2005, granting a Categorical Exemption from the California Environmental Quality Act as Class 1 (Building Permit Application No. 2005 0606 4223), to install a fire suppression system to an existing equipment building for Comcast, located at No. 1 La Avanzada Street. (Appellant: Walter Caplan, on behalf of Forest Knolls Neighborhood Organization, Liaison to Sutro Tower).

(Filed 1/9/06; companion measure to Files 060008, 060009, 0600010; District 7.)

The President inquired as to whether or not any member of the public wished to address the Board members.
Walter Caplan, Appellant, Forest Knolls Neighborhood Organization, Liaison to Sutro Tower
Doris Linnenbach, Midtown Homeowner's Association and Twin Peaks Council; support of appellant

Paul Maltzer, Planning Department, reviewed with the Board the Planning Department's recommendation.

Debra Stein, Attorney for the project sponsor
Robert McCarthy, Attorney for the project sponsor

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

060008 **[Affirming the categorical exemption issued for the 1 La Avanzada Street project]**

Motion affirming the determination by the Planning Department that the 1 La Avanzada Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Ammiano, Daly, Mirkarimi

060009 **[Disapproving the categorical exemption issued for the 1 La Avanzada Street project]**

Motion disapproving the determination by the Planning Department that the 1 La Avanzada Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Ammiano, Daly, Mirkarimi

060010 **[Preparation of findings related to the 1 La Avanzada Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 1 La Avanzada Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Ammiano, Daly, Mirkarimi

COMMITTEE REPORTS

060175 **[Appointment - Sweatfree Procurement Advisory Board]**

Resolution appointing Jason Oringer, Alicia Culver, Abigail Levine, Laura Juran, Dale Jiajun Wen, terms ending December 17, 2007, to the Sweatfree Procurement Advisory Board, residency requirement waived.

Jason Oringer, new appointment, seat 1, must have significant experience representing employees in labor matters, for the unexpired portion of a two-year term ending December 17, 2007.
Alicia Culver (residency requirement waived), new appointment, seat 2, must have significant experience acquiring goods or services for a public entity, for the unexpired portion of a two-year term ending December 17, 2007.
Abigail Levine, new appointment, seat 3, must have significant experience as an advocate for human rights or the poor, for the unexpired portion of a two-year term ending December 17, 2007.
Laura Juran, new appointment, seat 4, must be a member of the public, for the unexpired portion of a two-year term ending December 17, 2007.
Dale Jiajun Wen, new appointment, seat 5, must be a member of the public, for the unexpired portion of a two-year term ending December 17, 2007.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

052004 **[City and School District Off-Site Meetings]**

Supervisor Ammiano

Motion ordering the City and School District Committee meetings of the Board of Supervisors be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco, on Monday, March 13; Monday, May 8; Monday July 10; Monday, September 11 and Monday, November 13, 2006, at 4:00 P.M.; and directing the Clerk of the Board to prepare the proper notices and postings.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Kimo Crossman; expressed concern with issues relating the Tech Connect selection process
Walter: showed interest in Valentines Day
Children of San Francisco; expressed Valentine Day wishes to the Board of Supervisors
John di Donna; showed interest in human rights issues
Eugene Gordon,Jr.; showed interest in human rights issues
W.D. Flint, LVN,; expressed concern with issues relating to working conditions at the County Jails #1 and #2 and requesting an investigation into his complaints
Male speaker; expressed concerns with issues relating to certain hospital policies
James Chaffee: expressed concern with issues relating to the SF Library

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

060150 **[Issuance and Sale of Revenue Bonds – Salvation Army Tenderloin Housing and Community Center]**
Supervisor Daly

Resolution approving the issuance and sale of revenue bonds by the California Statewide Communities Development Authority in one or more series issued from time to time and at no time to exceed $16,000,000 in outstanding aggregate principal amount, for the financing of the acquisition, construction and development of a multifamily rental housing project generally known as Salvation Army Tenderloin Housing and Community Center.

ADOPTED

060191 **[Commemorative Plaque Designation - José Sarria Court]**
Supervisor Dufty

Resolution designating the public sidewalk fronting 3555 16th Street as eligible for the installation and maintenance of a commemorative plaque, pursuant to Public Works Code section 789.2(a), in order to honor José Sarria, who is one of the most heroic, courageous and colorful and creative figures in San Francisco's history, and urging official actions in connection with this designation.

ADOPTED

060189 **[Expend Federal Funding - Community Development Block Grant]**
Supervisors Alioto-Pier, Maxwell

Resolution approving the expenditure of one million, six-hundred and twenty-four thousand, nine-hundred and eighty-five dollars and nine cents ($1,624,985.09) of Community Development Block Grant funding and Forty Six Thousand Two hundred and Sixty Dollars and Eighty One Cents ($46,260.81) of Emergency Shelter Grant funds.

ADOPTED

060190 **[Funding for San Francisco-Oakland Bay Bridge Bicycle Pathway]**
Supervisor Daly

Resolution urging the California State Legislature and the Governor to include funding for the San Francisco-Oakland Bay Bridge West Span Bicycle/Pedestrian/Maintenance Pathway Project in any state infrastructure bond placed before the voters in an upcoming election.

ADOPTED

060193 **[Biodiesel Filling Station Permitting, Policies and Creation of Biodiesel Access Taskforce]**
Supervisor McGoldrick

Resolution establishing a Biodiesel Access Taskforce to develop and recommend to the appropriate City departments, including the Board of Supervisors and Mayor, a permitting process for biodiesel filling stations and incentives for such stations to be located in the City; urging the San Francisco Unified School District to pursue the use of biodiesel blends in school buses; and establishing a City policy to request biodiesel usage in City contracts involving diesel fleets.

ADOPTED

060194 **[Extended Producer Responsibility]**
Supervisor Mirkarimi

Resolution urging San Francisco's State delegation to support statewide efforts to hold producers responsible for product waste, starting with toxic products defined as universal waste; requesting the Department of the Environment recommend local extended producer responsibility policies as well as work with necessary agencies to develop producer responsibility language for inclusion in City contracts.

ADOPTED

060195 **[Commending Deputy City Attorney Claire M. Sylvia]**
Supervisors Peskin, Dufty

Resolution commending Claire M. Sylvia for ten years of exemplary public service to San Francisco as a Deputy City Attorney and Head of the Ethics and Elections Team of the City Attorney's Office, and wishing her well in her future endeavors.

ADOPTED

060196 **[Supporting Filipino Veterans Equity Act]**
Supervisors Peskin, Daly, Ma

Resolution urging the President and the Congress of the United States of America to honor the contributions of Filipino World War II veterans by passing the Filipino Veterans Equity Act, specifically HR 4574.

Supervisors Daly and Ma requested to be added as co-sponsors.
ADOPTED

060197 **[Support of the International Union of the Bricklayers and Allied Craftsworkers]**
Supervisors Peskin, Daly

Resolution commending and supporting the International Union of Bricklayers and Allied Craftsworkers and welcoming them for the 2006 Western States Brick and Tile Apprenticeship Contest to take place in Fisherman's Wharf, June 2-4 2006.

Supervisor Daly requested to be added as a co-sponsor.

ADOPTED

060135 **[Final Map, Planned Development, Mission Bay]**
Motion approving Final Map Tract No. 3936 for residential and commercial condominium purposes, Mission Bay Blocks 2-7 and 13, a twenty (20) lot subdivision, being Phase I of a Planned Development Subdivision of Assessor's Blocks 8710, Lot 4; 8711 Lot 12; 8712, Lot 1; 8713, Lot 1 and a portion of recently vacated Fourth Street; approving a public improvement agreement related to the final map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Mission Bay South Redevelopment Plan and Plan Documents. (Public Works Department)

APPROVED

PASS THE CONSENT AGENDA by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Appointment of President Pro Tempore

At the request of the President, Supervisor Ma assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

Severed From the Without Reference to Committee Agenda

Supervisor Peskin requested that this matter be severed so that it might be considered separately.

060192 **[Impound Account Analysis]**
Supervisor Ma

Motion directing the Budget Analyst to conduct a financial analysis of the Impound Account in the Department of the Environment on a priority basis, and to complete the analysis by March 28, 2006.

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Motion be REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

060132 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
26th and Capp Streets, stopping 26th Street, making this intersection an All-Way STOP;
Vallejo and Baker Streets, stopping Vallejo Street, making this intersection an All-Way STOP;
Myra Way and Molimo Drive, stopping Molimo Drive at Myra Way, making this intersection an All-Way STOP;
Peabody Street and Visitacion Avenue, stopping Visitacion Avenue, making this intersection an All-Way STOP;
Westbound 25th Avenue North at 25th Avenue, making this T intersection an All-Way STOP;
Eastbound Seacliff Avenue at 25th Avenue, making this T-intersection an All-Way STOP;
Northbound 26th Avenue at Seacliff Avenue, making this T-intersection an All-Way STOP;
Murray Street at Crescent Avenue, stopping Murray Street, stopping the stem of this T-intersection;
Washburn Street, stopping Washburn Street at Howard Street;
Dore Street, stopping Dore Street at Folsom Street; and,
Grace Street, stopping Grace Street at Mission Street. (Parking and Traffic Department)

(1/26-06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3133.)

2/3/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

060133 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO STOPPING ANYTIME, 7 AM TO 3 PM, MONDAY THROUGH FRIDAY - RESCIND
Pine Street, south side, from Montgomery Street to 155 feet easterly (creates new metered parking, but maintains Tow-Away 3 PM to 7 PM, Monday through Friday).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Lake Merced Boulevard, northbound, right turn lane onto Font Boulevard to the limit of the existing angle parking on the south side of Font Boulevard.

4-HOUR PARKING TIME LIMIT, 7:00 AM TO 6:00 PM, EXCEPT SUNDAY - RESCIND
PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
2-HOUR PARKING TIME LIMIT, 7:00 AM TO 6:00 PM, EXCEPT SUNDAY - ESTABLISH
Mississippi Street, east side, between Cesar Chavez and northern terminus.

TOW-AWAY, NO PARKING - ESTABLISH
Mississippi Street, west side, between Cesar Chavez Street and northern terminus.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Irwin Street, north side, between 7th and 8th Streets.

TOW-AWAY, NO PARKING, 7 AM TO 9 AM, MONDAY THROUGH FRIDAY - ESTABLISH
17th Street, north side, from 25 to 58 feet east of Utah Street.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
1122 Folsom Street, north side, from Langton Street to 48 feet westerly; and,
1168 Folsom Street, north side, from the west property line to the east property line (50-foot zone) (both parking restrictions are in conjunction with implementation of sidewalk bulbs).

TOW-AWAY, NO STOPPING, 7 AM TO 9 AM AND 4 PM TO 7 PM, MONDAY THROUGH FRIDAY - RESCIND
TOW-AWAY, NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Franklin Street, west side, from Turk Street to Golden Gate Avenue (replaces existing tow-away regulations).

TOW-AWAY, NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Franklin Street, west side, from Turk Street to 80 feet northerly.

TOW-AWAY, LANE MUST TURN LEFT - RESCIND
Franklin Street, northbound, at Turk Street.

RESIDENTIAL PERMIT PARKING AREA "U" (2-HOUR TIME LIMIT, 8 AM TO 10 PM, EVERYDAY) - ESTABLISH
Rodgers Street, east side, between Folsom Street and the southern terminus (unit block).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
San Jose Avenue, east side, from 10 feet north of the north crosswalk at Farallones Street to 190 feet southerly;
San Jose Avenue, west side, from Farallones Street to 173 feet northerly;
San Jose Avenue, east side, from Lakeview Avenue to 150 feet southerly;
San Jose Avenue, west side, from Lakeview Avenue to 150 feet northerly;
San Jose Avenue, east side, from 50 feet north of the northern crosswalk at Mount Vernon Avenue to 260 feet southerly;
San Jose Avenue, west side, from Mount Vernon Avenue to 178 feet northerly; and,
McCoppin Street, south side, between Market Street and Elgin Park

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
McCoppin Street, north side, west of Valencia Street to terminus.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Fillmore Street, east side, at the O'Farrell Street intersection (36 foot zone accommodating 10 unmetered motorcycle parking spaces).

PARKING METER AREA 3 (9AM-6PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Parker Avenue, west side, from Geary Boulevard to 50 feet southerly (replaces existing green zone with two 30-minute meters).

PARKING METER AREA 4 - ESTABLISH
Stockton Street, east side, from North Point Street to 60 feet northerly (adds 3 meters).

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 8 AM - 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Hillway Avenue, east side, from Carl Street to the south property line of #40 Hillway Avenue (Parking and Traffic Department)

(1/26/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3133.)

2/3/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

060134 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

ONE-WAY STREET (SOUTHBOUND) - RESCIND
Elgin Park, between McCoppin Street and Duboce Avenue

ONE-WAY STREET (EASTBOUND) - RESCIND
ONE-WAY STREET (WESTBOUND) - ESTABLISH
McCoppin Street, between Market Street and Elgin Park

BICYCLE LANES - ESTABLISH
McCoppin Street, north side, west of Valencia Street to terminus.

BICYCLE LANES - ESTABLISH
Laguna Honda Boulevard, both sides, between Portola Drive and Vasquez Avenue

LEFT TURN BIKE LANE - ESTABLISH
Laguna Honda Boulevard, southbound, between Ulloa Street and Portola Drive

BICYCLE LANES - EXTEND
Potrero Avenue, southbound, from 120 feet south of 25th Street to Cesar Chavez Street.

NO LEFT TURN, 4 PM TO 7 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Southbound Masonic Avenue at Grove Street.

NO LEFT TURN, 7 AM TO 9 AM, MONDAY THROUGH FRIDAY - ESTABLISH
Northbound Masonic Avenue at Grove Street (Parking and Traffic Department)

(1/26/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3133.)
2/3/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

ADJOURNMENT

There being no further business the Board at the hour of 5:08 adjourned.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

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Tuesday, February 28, 2006 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano, Alioto-Pier, Dufty	1st and 3rd Monday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 On the call of the roll all Supervisors were noted present.

There was a quorum.

APPROVAL OF MEETING MINUTES

Supervisor Alioto-Pier, seconded by Supervisor Daly, moved to approve January 10, 2006, January 24, 2006 and January 31, 2006 Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

060087 **[Administrative Code Revision: Health Service System]**
Supervisors Elsbernd, Ammiano

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal (Administrative) Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

(Fiscal impact.)

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

051715 **[Better Streets Policy]**
Mayor, Supervisors McGoldrick, Dufty

Ordinance amending the Administrative Code to add Chapter 98, the Better Streets Policy; making environmental findings; authorizing and urging official acts in furtherance of this Ordinance; and requesting General Plan amendments to incorporate the Better Streets Policy and its supporting principles.

FINALLY PASSED

051920 **[Granting parking privileges on Baker Street for official vehicles of the Russian Consulate]**
Supervisor Alioto-Pier

Ordinance amending Section 32.6.30 of the San Francisco Traffic Code to grant parking privileges for official vehicles of the Russian Consulate along fifty three feet of the east side of Baker Street near the corner of Green Street.

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

052047 **[Quitclaim of Water Pipeline Easement]**
Resolution approving the quitclaim of a water pipeline easement located at 1410 El Camino Real, South San Francisco, San Mateo County to the owner of the underlying fee interest in the property for a purchase price of $30,000; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sale by quitclaim is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED

Recommendations of the Rules Committee

060006 **[Settlement of Claims - Pacific Gas & Electric Company]**
Ordinance authorizing settlement of a claim filed by Pacific Gas & Electric Company (PG&E) against the City and County of San Francisco (City) and a complaint filed by the City against PG&E. PG&E's claim was filed on April 9, 2004, in the United States Bankruptcy Court and amended on June 1 and June 11, 2004, Case No. 01-30923-DM, Adversary Proceeding No. 04-3071. The City's complaint against PG&E was filed on June 29, 2005 at the Federal Energy Regulatory Commission, Docket No. EL05-133-000.

PASSED, ON FIRST READING

060097 **[Settlement of Lawsuit - Maria Castillo]**
Ordinance authorizing settlement of the lawsuit filed by Maria Castillo against the City and County of San Francisco for $40,000; the lawsuit was filed on January 18, 2005 in San Francisco Superior Court, Case No. 437-830; entitled Maria Castillo, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

060099 **[Settlement of Lawsuit and Grievance - Gary Thompson]**
Ordinance authorizing settlement of the lawsuit filed by Gary Thompson and the grievance filed by his Union, Service Employees Service Employees International Union, Local 790, against the City and County of San Francisco for $199,000; the lawsuit was filed on May 14, 2003 in United States District Court, Northern District of California, Case No. CV-03-02243-WDB and is entitled Gary Thompson v. City and County of San Francisco, et al; the grievance was filed on August 28, 2003 and is entitled Service Employees International Union, Local 790 v. City and County of San Francisco, ERD No. 12-03-1143. (City Attorney)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

052044 **[Settlement of Lawsuit - Mary Williams]**

Ordinance authorizing settlement of the matter of Mary Williams v. City and County of San Francisco for $225,000. The lawsuit was filed on November 5, 2004 in San Francisco Superior Court, Case No. 436-121; entitled Mary Williams v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060176 **[Appointment - Veterans Affairs Commission]**

Resolution appointing Edwin Wilkerson, term ending January 31, 2007, to the Veterans Affairs Commission.

Edwin Wilkerson, succeeding Aaron Zeff, resigned, seat 11, must be an at large appointment, for the unexpired portion of a four-year term ending January 31, 2007.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060177 **[Appointment - In-Home Supportive Services Public Authority]**

Resolution appointing Anita Aaron, term ending March 1, 2009, to the In-Home Supportive Services Public Authority.

Anita Aaron, succeeding Ray del Portillo, term expiring March 1, 2006, seat 7, must be a member of the Commission on the Aging, recommended to the Board by the Commission, for a three-year term ending March 1, 2009.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

060238 **[Adopting findings related to affirming the categorical exemption issued for the 1 La Avanzada Street project]**

Motion adopting findings related to affirming the determination by the Planning Department that the 1 La Avanzada Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

(Companion measure to Files 060007, 060008, 060009, 060010.)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Budget and Finance Committee

051792 **[Regulating Deemed Approved Off-Sale Alcohol Uses and Establishing An Annual Fee]**
Supervisors Maxwell, Dufty, Peskin, Ma, Mirkarimi

Ordinance amending the Administrative Code to add Chapter 26, ("Deemed Approved Off-Sale Alcohol Use Nuisance Regulations"), deeming all existing non-conforming and permitted off-sale alcohol uses "approved;" establishing an administrative hearing process to abate nuisance activities by deemed approved off-sale alcohol uses; creating a list of performance standards that reflect existing local nuisance and related state and federal laws; providing for an education and outreach program; authorizing penalties for violation of performance standards including administrative penalties from $500 to $1000 or revocation of deemed approved status; providing for appeals of conditions or administrative penalties to the Board of Appeals; providing for appeals of the revocation of deemed approved status to the Board of Supervisors or the Board of Appeals; setting an annual fee of $264 for deemed approved off-sale alcohol uses; establishing a deemed approved off-sale alcohol use nuisance regulation continuing project accounts within the City's General Fund; and making environmental findings.

Supervisor Ma, seconded by Supervisor Mirkarimi, moved to amend section 26.12 by adding after "(a)" by "adding (1) and (2)" and further amended by Supervisor Daly.
Motion to amend Sec. 26.12 failed by the following vote:
Ayes: 4 - Daly, Ma, Mirkarimi, Sandoval
Noes: 7 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin,

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd

060205 **[Requiring Notice to Potential Buyers of Certain Deemed Approved Off-Sale Alcohol Uses Where the Use Has Violated the Performance Standards.]**
Supervisors Daly, Ammiano

Ordinance amending the ordinance Regulating Deemed Approved Off-Sale Alcohol Uses and Establishing An Annual Fee (Board File No. 051792) by amending Section 26.20 to require that the seller of a Deemed Approved Off-Sale Alcohol Use ("Use") provide certain notice to potential buyers of the Use if the Use has, within the past three years, been the subject of an administrative hearing at which a finding of violation of the Performance Standards was made, at which conditions were imposed on the Use's continued operations, and/or at which administrative penalties were imposed on the Use for violation of the Performance Standards; and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

Recommendation of the Land Use Committee

Appointment of President Pro Tempore

At the request of the President, Supervisor Daly assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

051453 **[Off-Street Parking In C-3 Zoning Districts]**
Supervisors Peskin, Daly

Ordinance amending the San Francisco Planning Code by amending Sections 151, 151.1, 154, 155, 155.5, 161,166, and 167 to impose new requirements in C-3 Zoning Districts regarding permitted off-street parking and loading, allowed off-street freight loading and service vehicle spaces, bicycle parking, car sharing, to separate parking costs from housing costs, to exempt from the legislation projects that received final Planning Department or Planning Commission approval and submitted complete site permit applications prior to the effective date of the legislation, to require the Planning Department to undertake a study of downtown parking issues, and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:
Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma

From the Land Use Committee Without Recommendation

Appointment of President Pro Tempore

At the request of the President, Supervisor Mirkarimi assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

050601 [Better Neighborhoods Plus Planning and Implementation Process]
Supervisors McGoldrick, Maxwell

Ordinance amending the Administrative Code to add Chapter 36 to establish uniform procedures for developing comprehensive neighborhood plans (the "Better Neighborhoods Plus Planning and Implementation Process"); amending Administrative Code Section 3.4 to provide for integrated Better Neighborhoods Plus Plan budget documents; amending Planning Code to add Section 312A regarding discretionary review for projects proposed in Better Neighborhoods Plus Plan areas; and Section 312B to establish permit review procedures for certain projects within Better Neighborhoods Plus Plan areas; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved an amendment of the whole bearing new title. Further amended on page 7 by deleting "(D)" and on page 9 by inserting page 9 line 16 by adding "(d)'.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Re-Referred as amended.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Daly, Ma

NEW BUSINESS

Recommendations of the Budget and Finance Committee

060076 [To appropriate $5,216,754 to fund the maintenance and reconstruction of public streets, roads, and the 4th Street Bridge for DPW for Fiscal Year 2005-06]
Mayor

Ordinance appropriating $5,216,754 of Fiscal Year 2005-2006 State Traffic Congestion Relief Funds to fund the maintenance and reconstruction of public streets, roads, and the 4th Street Bridge for the Department of Public Works for Fiscal Year 2005-2006.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051960 **[Authorizing the Committee on Information Technology to amend its contract with En Pointe Technologies to exceed $10 million]**
Supervisor Daly

Resolution authorizing the Committee on Information Technology to enter into the Third Amendment between the City and En Pointe Technologies (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract's anticipated expenditures to over $10 million.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051961 **[Authorizing the Committee on Information Technology to amend its contract with Xtech to exceed $10 million]**
Supervisor Daly

Resolution authorizing the Committee on Information Technology to enter into the Third Amendment between the City and Xtech (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract's anticipated expenditures to over $10 million.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060080 **[Waterline Relocation Agreement with Mills Peninsula Health Services]**
Supervisor Dufty

Resolution approving and authorizing the execution and delivery of a Waterline Relocation Agreement with Mills Peninsula Health Services; authorizing the exchange of real property interests in the City of Burlingame, San Mateo County following the completion of construction of a new water pipeline; adopting findings of consistency with the General Plan and priority policies of Planning Code Section 101.1; and adopting environmental findings.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060096 **[Lease of Real Property located at One Market Plaza]**
Resolution authorizing the renewal of a lease of 20,677 sq. ft. of space including related auxiliary spaces at One Market Plaza for the Department of Telecommunications and Information Services. (Real Estate Department)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Budget and Finance Committee Without Recommendation

Recommendations of the City Operations and Neighborhood Services Committee

060119 **[Option Agreement for Sale of Surplus Property]**

Resolution approving an Option Agreement for sale of surplus lands located in Mountain View, Santa Clara County, California, under the jurisdiction of the San Francisco Public Utilities Commission ("SFPUC") to KMJ Urban Communities, LLC, a California limited liability company; adopting findings pursuant to the California Environmental Quality Act; and authorizing the Director of Property or the General Manager of the SFPUC to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 5 - Alioto-Pier, Elsbernd, Ma, Peskin, Sandoval
Noes: 4 - Ammiano, Daly, McGoldrick, Mirkarimi
Absent: 2 - Dufty, Maxwell

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to rescind the previous vote.
Motion to rescind the previous vote carried without objection.

ADOPTED by the following vote:

Ayes: 6 - Alioto-Pier, Elsbernd, Ma, Maxwell, Peskin, Sandoval
Noes: 4 - Ammiano, Daly, McGoldrick, Mirkarimi
Absent: 1 - Dufty

051918 **[SoMa Senior Community Committee for Livable Streets]**
Supervisor Daly

Resolution urging the creation of the SoMa Senior Community Committee for Livable Streets.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to re-refer this matter to the Budget & Finance Committee.
Motion to re-refer to the Budget & Finance Committee failed by the following vote:
Ayes: 4 - Alioto-Pier, Elsbernd, Ma, Maxwell
Noes: 6 - Ammiano, Daly, Dufty, Mirkarimi, Peskin, Sandoval
Absent: - 1 - McGoldrick

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Elsbernd

060185 **[Approve retroactively a new position funded by a recurring State grant for the period of FY 2005 through FY 2007]**
Supervisor Peskin

Resolution authorizing retroactively the San Francisco Department of Public Health (SFDPH), San Francisco Childhood Lead Prevention Program to fill a new position using existing and ongoing funds from a recurring State grant, for the period of July 1, 2005 through June 30, 2007.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

051562 **[Zoning Map Amendment in connection with Third Street and Oakdale Avenue Affordable Housing Special Use District]**
Supervisor Maxwell

Ordinance amending Zoning Map Section 10 and 10SU of the City and County of San Francisco for the property at 4800 Third Street (Lot 45, Assessor's Block 5322), located at the southwest corner of the block bounded by Oakdale Avenue, Third Street, Palou Avenue, and Newhall Street; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051563 **[Third Street and Oakdale Avenue Affordable Housing Special Use District]**
Supervisor Maxwell

Ordinance adding Planning Code Section 249.30 to establishing the Third Street and Oakdale Avenue Affordable Housing Special Use District for property at 4800 Third Street (Lot 45, Assessor's Block 5322), located at the southwest corner of the block bounded by Oakdale Avenue, Third Street, Palou Avenue, and Newhall Street, and making findings including findings under the California Environmental Quality Act and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060054 **[MUNI Operator restrooms at various locations]**

Resolution granting revocable permission to Municipal Transportation Agency (MTA), to occupy a portion of the public right-of-way to install and maintain one (1) MUNI Operator Restroom at each of the following locations: within an existing traffic island on Geneva Avenue at Munich Street; on the westerly sidewalk of Main Street, southerly of Howard Street; on the easterly sidewalk of Main Street, northerly of Mission Street, and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Rules Committee

060156 **[Investigate and Impeach President Bush and Vice President Cheney]**
Supervisor Daly

Resolution calling for a full investigation, impeachment or resignation of President George W. Bush and Vice President Richard B. Cheney.

(Supervisor Elsbernd Dissented in Committee)

Amended on page 2, line 22 & 23, by deleting "while focusing on taking back the United States House of Representatives and United States Senate."

AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ADOPTED AS AMENDED by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Ma, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Elsbernd, Maxwell
Absent: 1 - McGoldrick

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

060211 **[Charter amendment (Fourth Draft) to add Section 16.126]**

Hearing to consider a charter amendment (Fourth Draft) to add Section 16.126 to: establish a San Francisco Homicide Prevention Plan and Homicide Prevention Planning Council; create a Survivors' Advocate and a City fund to help pay specified expenses for survivors of homicide victims; appropriate an additional $10 million per year for the next three years to fund violence prevention programs identified in the Plan; and, set an expiration date. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the members of the Board.
Female speaker; support of the Homicide Plan charter amendment
Sheila Burton; support of the Homicide Plan charter amendment
Judy Hughes; support of the Homicide Plan charter amendment
Ray Balberan; support of the Homicide Plan charter amendment
Joe Trigueros; support of the Homicide Plan charter amendment
Donald Price; support of the Homicide Plan charter amendment
Michell Williams; support of the Homicide Plan charter amendment
Iqra Anjum; support of the Homicide Plan charter amendment
Jeff Adachi, Public Defender; support of the Homicide Plan charter amendment
Alicia Sandoval; support of the Homicide Plan charter amendment
Valerie; support of the Homicide Plan charter amendment
Shirley Fordham;support of the Homicide Plan charter amendment
Henry Morales; support of the Homicide Plan charter amendment
Paul Kendiseg; support of the Homicide Plan charter amendment
Maddie Scott; support of the Homicide Plan charter amendment
Del Scott; support of the Homicide Plan charter amendment
Liz; support of the Homicide Plan charter amendment
Male speaker; support of the Homicide Plan charter amendment
Nancy; support of the Homicide Plan charter amendment
Kelly; support of the Homicide Plan charter amendment
Lonnie Holmes; support of the Homicide Plan charter amendment
Rudy Corcas; support of the Homicide Plan charter amendment
Ace Washington; support of the Homicide Plan charter amendment
Shay; support of the Homicide Plan charter amendment
Eugene Gordon, Jr.; support of the Homicide Plan charter amendment
Maria; support of the Homicide Plan charter amendment
Sharon Hewitt; support of the Homicide Plan charter amendment
Francisco di Costa; support of the Homicide Plan charter amendment
Pat Scott; support of the Homicide Plan charter amendment

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

052009 **[Charter Amendment - Homicide Prevention Plan; Survivor Assistance; Funding for Violence Prevention Programs]**

Supervisors Daly, Ammiano, Maxwell, Mirkarimi

Charter amendment (Fourth Draft) to add Section 16.126 to: establish a San Francisco Homicide Prevention Plan and Homicide Prevention Planning Council; create a Survivors' Advocate and a City fund to help pay specified expenses for survivors of homicide victims; appropriate an additional $10 million per year for the next three years to fund violence prevention programs identified in the Plan; and, set an expiration date.

ORDERED SUBMITTED by the following vote:

Ayes: 6 - Ammiano, Daly, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 5 - Alioto-Pier, Dufty, Elsbernd, Ma, McGoldrick

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

060213 **[Hearing - 22-Month and 15 Day Extension of Interim Moratorium on New Check Cashing and Pay Day Lender Uses]**

Hearing to consider the possible adoption of an urgency Ordinance approving a 22 month and 15 day extension of the interim zoning moratorium on new check cashing and pay day lender uses and making required findings, including findings related to the imposition of an interim moratorium, findings of consistency with the priority policies of Planning Code Section 101.1, and environmental findings. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the members of the Board.
Department of Public Health Representative and Dan Augustine, Treasurer's representative support of check cashing legislation
Kevin Stein, opposed of the check cashing legislation
Mike Eiseman; support of the check cashing legislation
Dan Leepson; support of the check cashing legislation
Male speaker; support of the check cashing legislation

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

060212 **[Zoning – Three Month Extension of Interim Moratorium on New Check Cashing and Pay Day Lender Uses]**

Supervisors Ammiano, Dufty, Daly, Mirkarimi

Urgency Ordinance approving a 22 month and 15 day extension of the interim zoning moratorium on new check cashing and pay day lender uses and making required findings, including findings related to the imposition of an interim moratorium, findings of consistency with the priority policies of Planning Code Section 101.1, and environmental findings.

Supervisor Ammiano, seconded by Supervisor Daly, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Urgency Ordinance approving a three month extension of the interim zoning moratorium on new check cashing and pay day lender uses and making required findings, including findings related to the imposition of an interim moratorium, findings of consistency with the priority policies of Planning Code Section 101.1, and environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

It was decided to to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests.

Supervisor Maxwell introduced, welcomed and presented a Certificate of Honor to Gene Coleman in recognition of Black History Month.
Supervisor Maxwell also recognized Colonel Wilson and Thomas Fleming in recognition of Black History Month.

Supervisor Alioto-Pier introduced, welcomed and presented a Certificate of Honor to Patricia Scott in recognition of Black History Month.

Supervisor McGoldrick introduced, welcomed and presented a Certificate of Honor to Eileen Clerk Hernandez in recognition of Black History Month.

Supervisor Daly introduced, welcomed and presented a Certificate of Honor to Sharon Hewitt in recognition of Black History Month.

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to Daisy McCarthy in recognition of Black History Month.

Supervisor Dufty recognized Sean Williams in recognition of Black History Month.

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to Perter McGoughlin, Quantas Airlines and welcomed Quantas Airlines back to San Francisco.

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor Madeleine Licavoli, Deputy Clerk in recognition of receiving Certificate of Completion from the International Institute of Municipal Clerks.

COMMITTEE REPORTS

060078 **[Capital Expenditure Plan; timeline amendments for initial submission and approval]**
Supervisor Elsbernd

Ordinance amending Administrative Code Section 3.20 to provide that the initial ten-year capital expenditure plan to be prepared thereunder shall be submitted to the Mayor and the Board of Supervisors by May 1, 2006 and that the Mayor and the Board of Supervisors shall review, update, amend and adopt such plan by resolution by August 1, 2006.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to the Federal government
Female speaker; expressed concern with issues relating to safety issues during major disasters
James Chaffee; expressed concern with issues relating to the public funding for the SF Public Library
David Miles; showed interest in closing traffic on Saturdays in Golden G. President Peskin informed the speaker that campaigning was not allowed in the Board of Supervisors Chamber
K. Lee; expressed concern with issues relating to the President George Bush
John Jenkel; expressed concern with issues relating to Enron and Federal issues
Kimo Crossman; expressed concern with issues relating to the DTIS review of the TechConnect WIFI proposal
Robert Pender, Vice President Park Merced; expressed concern with issues relating to Park Merced

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

060231 **[Commending Lucille Burlew-Lawler]**
Supervisors Dufty, Elsbernd

Resolution commending Lucille Burlew-Lawler for 28 years of outstanding and dedicated service to the Department of Public Health and the people of San Francisco.

Supervisor Elsbernd requested to be added as a co-sponsor.
ADOPTED

060232 **[Commending Eugene Coleman]**
Supervisor Maxwell

Resolution commending Eugene Coleman for his dedication and exemplary service to the residents of San Francisco and proclaiming February 21, 2006 as Eugene Coleman Day in San Francisco.

ADOPTED

060233 **[Accept-Expend Grant - Juvenile Probation Department]**
Supervisor Maxwell

Resolution authorizing the Juvenile Probation Department to accept and expend a grant in the amount of $50,000 from the Zellerbach Family Foundation to support organizational development activities at the Juvenile Probation Department and to fund technical assistance for planning for such organizational change.

ADOPTED

060234 **[Supporting Eddy Zheng's application to remain lawfully in the United States]**
Supervisors McGoldrick, Peskin, Ammiano

Resolution urging the Department of Justice to grant Xiao Fei ("Eddy") Zheng's application to remain lawfully in the United States and calling on the Department of Homeland Security to exercise its discretion not to appeal the grant of a waiver that would allow Eddy Zheng to remain in the United States.

ADOPTED

060235 **[California Seismic Safety Commission]**
Supervisors Peskin, Elsbernd

Resolution urging California Governor Arnold Schwarzenegger to withdraw his proposal to eliminate funding for the California Seismic Safety Commission.

Supervisor Elsbernd requested to be added as a co-sponsor.
ADOPTED

060236 **[Gift-In-Place to Recreation and Park Department]**
Supervisor Peskin

Resolution accepting and expending a gift-in-place valued at $40,000 from the Union Square Association to the Recreation and Park Department for use in Union Square.

ADOPTED

060237 **[Commending the "Love Your Playground" volunteers and the Neighborhood Parks Council]**
Supervisors Sandoval, Dufty

Resolution commending the volunteers who participated in the "Love Your Playground" program and the Neighborhood Parks Council for conducting the survey.

ADOPTED

060207 **[Final Map for a 23 Unit Commercial/Residential Condominium Project - 380 Alabama Street/2095 Harrison Street]**
Motion approving Final Map of 380 Alabama Street/2095 Harrison Street, a Commercial/Residential Condominium Project, being a subdivision of Lot 4 in Assessor's Block No. 3967, and adopting findings pursuant to Planning Code Section 101.1.
Version. (Public Works Department)

(DPW Order No. 175,896; District 6.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

Severed from the Without Reference to Committee Agenda

Supervisor Ammiano requested that the following two matters be severed so that they might be considered separately.

060230 **[Board of Supervisors Committee of the Whole - February 28, 2006 3:00 p.m. - Extension of interim zoning moratorium New Check Cashing and Payday Lenders Uses]**
Supervisor Ammiano

Motion for the Board of Supervisors to convene as a committee of the whole on February 28, 2006, at 3:00 p.m. to accept public testimony concerning the possible adoption of an urgency ordinance extending the interim zoning moratorium for 22 months and 15 days on new check cashing and payday lender uses and making required findings, including findings related to the imposition of an interim zoning moratorium, findings of consistency with the priority planning policies of Planning Code Section 101.1, and environmental findings.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060229 **[Report for Interim Zoning Moratorium on New Check Cashing and Payday Lender Uses]**
Supervisor Ammiano

Motion adopting and issuing the Planning Department's report concerning the Board's urgency Ordinance that imposed a 45-day interim moratorium on new check cashing and payday lender uses.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor McGoldrick requested that this matter be severed so that it might be considered separately.

060121 **[Incorporating Street Performers into the Street Artist Program and designating sound appropriate sales areas for certified Street Artists]**
Supervisor McGoldrick

Resolution recognizing that qualified Street Performers are eligible to participate in the Street Artist Program and urging the designation of sales areas within the Program that are appropriate for amplified sound.

Continued to March 28, 2006

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

060162 **[Amending the Traffic Code to establish a single consolidated list of weight-restricted streets]**

Ordinance amending the Traffic Code by repealing Sections 28.4 and 28.5, amending Sections 28.1 and 28.1.19, renumbering Sections 28.5.1 through 28.5.59 as 28.1.110 through 28.1.165, and adding new Sections 28.1.166 through 28.1.170 to: correct obsolete references to Army Street; establish a consolidated list of weight-restricted streets on which vehicles with a gross vehicle weight of 6000 pounds or more are, with specified exceptions, prohibited; add Ledyard Street between Silver Avenue and Thornton Avenue, Vesta Street between Thornton Avenue and Williams Avenue, Scotia Avenue between Silver Avenue and Thornton Avenue and Thornton Avenue between Bayshore Boulevard and 3rd Street the list of restricted streets; and clarify the exceptions applicable to weight restricted-street requirements. (Parking and Traffic Department)

2/13/06, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 3/28/2006.

060164 **[Settlement of Lawsuit - CCSF v. ARCO et al.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against Airport Group International (AGI) for the payment to the Airport of environmental clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal). (City Attorney)

2/15/06, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

060137 **[Report of assessment costs for sidewalk and curb repairs]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

(DPW Order No. 175,878; Locations: 220 Jones Street and 1101 Persia Avenue.)

2/7/06, ASSIGNED to Board of Supervisors. Scheduled for March 21, 2006, at 3:00 p.m.

060163 **[Settlement of Claim - James Mead]**

Resolution approving the settlement of the unlitigated claim filed by Mr. James Mead, against San Francisco for $77,500; claim was filed on June 22, 2005.

2/13/06, RECEIVED AND ASSIGNED to Rules Committee.

060208 **[Authorize payment of performance fees and for final closeout of the Water Infrastructure Partners contract for an amount not to exceed $734,670]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to pay performance fees for Contract Year No. 4 and Year 5 and for final closeout of the Agreement with the Water Infrastructure Partners for an amount not to exceed $734,670. (Public Utilities Commission)

2/17/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:47 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

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MAR 10 2006
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Tuesday, March 7, 2006 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin, Mirkarimi, Elsbernd	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano, Alioto-Pier, Dufty	1st and 3rd Monday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present:	Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 On the call of the roll all Supervisors Alioto-Pier and McGoldrick were noted absent.

There was a quorum.

Supervisor Alioto-Pier was noted present at 2:08 p.m.
Supervisor McGoldrick was excused from attending today's meeting.

Supervisor McGoldrick Excused from Attendance

Supervisor Sandoval, seconded by Supervisor Elsbernd, moved to excuse Supervisor McGoldrick from attending today's meeting. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

CONSENT AGENDA

Recommendation of the Government Audit and Oversight Committee

060078 [Capital Expenditure Plan; timeline amendments for initial submission and approval]
Supervisor Elsbernd

Ordinance amending Administrative Code Section 3.20 to provide that the initial ten-year capital expenditure plan to be prepared thereunder shall be submitted to the Mayor and the Board of Supervisors by May 1, 2006 and that the Mayor and the Board of Supervisors shall review, update, amend and adopt such plan by resolution by August 1, 2006.

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

051562 **[Zoning Map Amendment in connection with Third Street and Oakdale Avenue Affordable Housing Special Use District]**
Supervisor Maxwell

Ordinance amending Zoning Map Section 10 and 10SU of the City and County of San Francisco for the property at 4800 Third Street (Lot 45, Assessor's Block 5322), located at the southwest corner of the block bounded by Oakdale Avenue, Third Street, Palou Avenue, and Newhall Street; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

FINALLY PASSED

051563 **[Third Street and Oakdale Avenue Affordable Housing Special Use District]**
Supervisor Maxwell

Ordinance adding Planning Code Section 249.30 to establishing the Third Street and Oakdale Avenue Affordable Housing Special Use District for property at 4800 Third Street (Lot 45, Assessor's Block 5322), located at the southwest corner of the block bounded by Oakdale Avenue, Third Street, Palou Avenue, and Newhall Street, and making findings including findings under the California Environmental Quality Act and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

FINALLY PASSED

Recommendations of the Rules Committee

052044 **[Settlement of Lawsuit - Mary Williams]**
Ordinance authorizing settlement of the matter of Mary Williams v. City and County of San Francisco for $225,000. The lawsuit was filed on November 5, 2004 in San Francisco Superior Court, Case No. 436-121; entitled Mary Williams v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

060006 **[Settlement of Claims - Pacific Gas & Electric Company]**
Ordinance authorizing settlement of a claim filed by Pacific Gas & Electric Company (PG&E) against the City and County of San Francisco (City) and a complaint filed by the City against PG&E. PG&E's claim was filed on April 9, 2004, in the United States Bankruptcy Court and amended on June 1 and June 11, 2004, Case No. 01-30923-DM, Adversary Proceeding No. 04-3071. The City's complaint against PG&E was filed on June 29, 2005 at the Federal Energy Regulatory Commission, Docket No. EL05-133-000.

FINALLY PASSED

)60097 **[Settlement of Lawsuit - Maria Castillo]**
Ordinance authorizing settlement of the lawsuit filed by Maria Castillo against the City and County of San Francisco for $40,000; the lawsuit was filed on January 18, 2005 in San Francisco Superior Court, Case No. 437-830; entitled Maria Castillo, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

060099 **[Settlement of Lawsuit and Grievance - Gary Thompson]**

Ordinance authorizing settlement of the lawsuit filed by Gary Thompson and the grievance filed by his Union, Service Employees Service Employees International Union, Local 790, against the City and County of San Francisco for $199,000; the lawsuit was filed on May 14, 2003 in United States District Court, Northern District of California, Case No. CV-03-02243-WDB and is entitled Gary Thompson v. City and County of San Francisco, et al; the grievance was filed on August 28, 2003 and is entitled Service Employees International Union, Local 790 v. City and County of San Francisco, ERD No. 12-03-1143. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

Severed from the Consent Agenda

Supervisor Sandoval requested that this matter be severed so that it might be considered separately.

Recommendation of the Budget and Finance Committee

060076 **[To appropriate $5,216,754 to fund the maintenance and reconstruction of public streets, roads, and the 4th Street Bridge for DPW for Fiscal Year 2005-06]**

Mayor

Ordinance appropriating $5,216,754 of Fiscal Year 2005-2006 State Traffic Congestion Relief Funds to fund the maintenance and reconstruction of public streets, roads, and the 4th Street Bridge for the Department of Public Works for Fiscal Year 2005-2006.

(Fiscal impact.)

Continued to March 21, 2006

Supervisor Sandoval, seconded by Supervisor Daly, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - McGoldrick

Supervisor Alioto-Pier was noted present 2:08 p.m.

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

051792 [Regulating Deemed Approved Off-Sale Alcohol Uses and Establishing An Annual Fee]
Supervisors Maxwell, Dufty, Peskin, Ma, Mirkarimi

Ordinance amending the Administrative Code to add Chapter 26, ("Deemed Approved Off-Sale Alcohol Use Nuisance Regulations"), deeming all existing non-conforming and permitted off-sale alcohol uses "approved;" establishing an administrative hearing process to abate nuisance activities by deemed approved off-sale alcohol uses; creating a list of performance standards that reflect existing local nuisance and related state and federal laws; providing for an education and outreach program; authorizing penalties for violation of performance standards including administrative penalties from $500 to $1000 or revocation of deemed approved status; providing for appeals of conditions or administrative penalties to the Board of Appeals; providing for appeals of the revocation of deemed approved status to the Board of Supervisors or the Board of Appeals; setting an annual fee of $264 for deemed approved off-sale alcohol uses; establishing a deemed approved off-sale alcohol use nuisance regulation continuing project accounts within the City's General Fund; and making environmental findings.

Supervisor Ma, seconded by Supervisor Daly, moved to amend "Section 26.12 by replacing Sections (a) and (b) (1) and (2)".
Motion to amend failed by the following vote:
Ayes: 3 - Daly, Ma, Mirkarimi
Noes: 6 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Maxwell, Peskin
Absent: 1 - Sandoval
Excused: 1- McGoldrick

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - McGoldrick

060205 **[Requiring Notice to Potential Buyers of Certain Deemed Approved Off-Sale Alcohol Uses Where the Use Has Violated the Performance Standards.]**

Supervisors Daly, Ammiano

Ordinance amending the ordinance Regulating Deemed Approved Off-Sale Alcohol Uses and Establishing An Annual Fee (Board File No. 051792) by amending Section 26.20 to require that the seller of a Deemed Approved Off-Sale Alcohol Use ("Use") provide certain notice to potential buyers of the Use if the Use has, within the past three years, been the subject of an administrative hearing at which a finding of violation of the Performance Standards was made, at which conditions were imposed on the Use's continued operations, and/or at which administrative penalties were imposed on the Use for violation of the Performance Standards; and making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

NEW BUSINESS

Recommendations of the Budget and Finance Committee

051908 **[Health Care Accountability Ordinance]**

Ordinance amending the San Francisco Administrative Code by amending Sections 12Q.2.1, 12Q.2.2, 12Q.2.9, 12Q.3, 12Q.4, 12Q.5 and 12Q.6, and adding Sections 12Q.5.1, and 12Q.5.2, and 12Q.8 to: change the requirements of the Health Care Accountability Ordinance with respect to health benefit plans, exemptions for certain categories of employees and agreements, and the payment rates due from employers; authorize the Health Commission to increase the payment rates; authorize the withholding of contract payments; make both substantive and clarifying changes with respect to obligations imposed on Contracting Parties for notification, investigation, auditing, inspection, enforcement, and settlement procedures; revise procedures for the assessment of liquidated damages; establish a process for determining violations and for the administrative appeal of such determinations; authorize waiver of requirements of the Ordinance through collective bargaining; and ratify certain administrative actions.

(Fiscal impact.)

Supervisor Ma requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

060215 **[To appropriate $4,910,000 of funding from the General Fund Reserve and de-appropriate savings to fund cost overruns in the Police Department for Fiscal Year 2005-2006.]**
Supervisor Daly

Ordinance appropriating $4,910,000, including $3,570,000 of funding from the General Fund Reserve and de-appropriating $1,300,000 in workers' compensation savings and $40,000 in permanent miscellaneous salary cost savings, to fund the cost overruns of overtime, and adjust salaries and fringe benefits in the Police Department for Fiscal Year 2005-06.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

060031 **[Approving a contract between the City and County of San Francisco and the American Registry for Internet Numbers, LTD. (ARIN) for registration of Internet Protocol address space]**
Supervisor Dufty

Ordinance approving a contract between the City and County of San Francisco and the American Registry for Internet Numbers, LTD. (ARIN), for the registration of Internet Protocol address space, required to increase the City's bandwidth on the Internet and designating ARIN as the sole source contractor for the registration of Internet Addresses, and waiving the competitive procurement requirements of the San Francisco Administrative Code Chapter 21 for this service, and approving the City indemnifying and holding ARIN harmless against claims arising from the activities of the City under the contract, and waiving the requirement of Section 21.35 of the San Francisco Administrative Code that every contract contain a statement regarding liability of claimants for submitting false claims, and waiving the requirement of Section 21.19(d) of the San Francisco Administrative Code that a City contract not contain an automatic renewal provision.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

060244 **[Water Line Relocation Agreement]**
Supervisor Peskin

Resolution approving and authorizing the execution and delivery of a Water Line Relocation Agreement with San Francisco Community College ("City College") authorizing the exchange of real property interests in the City and County of San Francisco following the completion of construction of a new water pipeline; adopting findings of consistency with the General Plan and priority policies of Planning Code Section 101.1; and adopting environmental findings.

(Supervisor Daly dissenting in committee.)

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - McGoldrick

060130 **[Emergency replacement of chiller at San Francisco General Hospital]**

Resolution approving an emergency public work contract of the replacement of a chiller at San Francisco General Hospital. (Public Works Department)

(Fiscal impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendations of the Land Use and Economic Development Committee

051889 **[Policy that the City should supply electricity to new City developments where feasible]**
Supervisors Mirkarimi, Sandoval, Maxwell, Daly, Peskin, Ammiano

Ordinance amending the Administrative Code to add Chapter 99: Public Power in New City Developments, establishing as the policy of the City and County of San Francisco that, where feasible, the City shall be the electricity provider for new City developments, including military bases and redevelopment projects.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

060085 **[Hunters Point Shoreline Interim Controls]**
Supervisors Maxwell, McGoldrick, Alioto-Pier

Resolution adopting interim zoning controls in the Hunters Point Shoreline area for a period of eighteen (18) months that would, within the currently zoned M-1 and M-2 areas generally bounded by Jennings Street, Hunters Point Boulevard, Innes Avenue, Earl Street and the San Francisco Bay, permit new housing as an accessory use to certain designated uses, or if it is contained within a permitted institutional use, or with a required ratio of four (4) square feet of permitted non-residential use for every one (1) square foot of residential space built; that would, within the currently zoned NC-2 area abutting Innes Avenue and Hunters Point Boulevard between Jennings Street and Earl Street, permit new housing on other than the ground floor and in conjunction with non-residential development; that would require a conditional use permit for all new construction or change in use in the M-1 and M-2 zoning districts and for all uses that include new housing in the NC-2 zoning district, and adopting findings.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendation of the Government Audit and Oversight Committee

060223 **[MOU - Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 1)]**
Mayor

Ordinance adopting and implementing Amendment No. 2, the negotiated agreement that amends the 2003-2007 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 1) by amending the parties' agreement to reflect wages, hours and working conditions for classification H-3 EMT/Paramedic/Firefighter.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

It was decided to to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests.

Angela Williams, Vice President, Commission on the Status of Women shared opening remarks with the Board members.

Supervisor Ammiano welcomed, introduced and presented a Certificate of Honor to Melba Maldonado in recognition of International Women's Day.
Supervisor Daly welcomed, introduced and presented a Certificate of Honor to Bernadette Borja Sr. in recognition of International Women's Day.
Supervisor Dufty welcomed, introduced and presented a Certificate of Honor to Gillian Gillette in recognition of International Women's Day.
Supervisor Elsbernd welcomed, introduced and presented a Certificate of Honor to Katherine J. Pattison in recognition of International Women's Day.
Supervisor Ma welcomed, introduced and presented a Certificate of Honor to Darlene Mar in recognition of International Women's Day.
Supervisor Maxwell, welcomed, introduced and presented a Certificate of Honor to Dr. Jadine Burke in recognition of International Women's Day.
Supervisor Elsbernd, on behalf of Supervisor McGoldrick, welcomed, introduced and presented a Certificate of Honor to Leilani Battiste in recognition of International Women's Day.
Supervisor Mirkarimi welcomed, introduced and presented a Certificate of Honor to Mattie Scott in recognition of International Women's Day.
Supervisor Peskin, welcomed, introduced and presented a Certificate of Honor to Dr. Diana Taylor in recognition of International Women's Day.
Supervisor Sandoval welcomed, introduced and presented a Certificate of Honor to Teresita Gatan in recognition of International Women's Day.
Supervisor Alioto-Pier welcomed, introduced and presented a Certificate of Honor to Diane Buchanan Wilsey in recognition of International Women's Day.

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Steve Covey; showed interest in the medical marijuana and appreciation for the Board's resolution in support of his cause
Walter; expressed appreciation to the Board in song
Francisco di Costa; expressed concern with issues relating to the environment
Eugene Gordon, Jr.; expressed concern with pedestrian safety signs
Female speaker; expressed concern with issues relating to safety for citizens
John di Donna; expressed concern with issues relating to the Iraq War
Female speaker; expressed concern with lack of representation
Male speaker; expressed concern with issues relating to the SF homeless and Katrina victims
Male speaker; showed appreciation with legislation supporting the homeless and victims with AIDS
Robert Pender, Vice-President of Park Merced Residents; expressed concern with rent control evictions
Mel Bettle; expressed concern with issues relating to the beating of homeless victims and housing needs
James Chaffee; expressed concern with public comment time limit and issues relating to public funding for the SF Public Library

CLOSED SESSION

CONFERENCE WITH CITY LABOR NEGOTIATORS

Supervisor Sandoval was noted absent at 4:23 p.m.

060288 **[Closed Session - Conference with City's Labor Negotiators (Collective Bargaining)]**

Motion that the Board of Supervisors convene in closed session with the City's Labor Relations Negotiators, the Mayor and the Director of Human Relations, for the purpose of reviewing the City's positions in pending labor negotiations with organizations representing the City employee groups.

This closed session is permitted by Government Code Section 54957.6, and San Francisco Administrative Code Section 67.8.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved to convene in Closed Session. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - McGoldrick

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved not to disclose at this time its closed session deliberations concerning the pending City Labor Negotiations. (Collective Bargaining). The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - McGoldrick

Continued to March 28, 2006

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - McGoldrick

CLOSED SESSION

The Board recessed at the hour of 4:23 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 5:07 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin - 9

Report on Closed Session

Deputy City Attorney Cheryl Adams, reported that the Board of Supervisors has met in closed session with the City Labor Negotiators, under the provisions of Government Code Section 54957.6 (a) and San Francisco Administrative Code 67.8 for the purpose of reviewing the City's positions in pending labor negotiations with organizations representing the City employee groups.

Persons in attendance: Supervisors Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin

Cheryl Adams, Deputy City Attorney
Phil Ginsburg, Director, Human Resources Department
Micki Callahan, Assistant Employee Relations Director
Martin Gran, Deputy City Attorney
Monique Zmuda, Assistant Controller
Gloria L. Young, Clerk of the Board
Kay Gulbengay, Deputy Clerk

The meeting was informational only and no action was taken.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

060257 **[Apply for grants from a state agency - Department of the Environment]**
Supervisor Ma

Resolution authorizing the Department of the Environment to apply for a planning grant from the California Cultural and History Endowment in the amount of $138,060 to be used for design development and construction documents for the renovation its new site on the ground floor of 25 Van Ness.

ADOPTED

060259 **[Supporting S.B. 1033 and H.R. 2330 to improve security and immigration]**
Supervisors Ma, Elsbernd

Resolution supporting S.B. 1033 and H.R. 2330, the Kennedy/McCain Bill to improve security and immigration.

ADOPTED

060268 **[Authorizing the Planning Department to apply for a Workforce Housing Reward Program Grant]**
Mayor

Resolution authorizing the Planning Department to apply for a Workforce Housing Reward Program Grant.

ADOPTED

060269 **[Urging the IRS to reconsider ruling Domestic Partners and Community Property]**
Supervisors Ammiano, Dufty, Mirkarimi

Resolution urging the IRS to reconsider their ruling on Domestic Partners and Community Property, and their declaration that everyone must file separately.

Supervisors Dufty and Mirkarimi requested to be added as co-sponsors.

ADOPTED

060270 **[Urging the Los Altos City Council to reconsider an amendment forbidding official proclamations referring to ethnicity, race, religion or sexual orientation]**
Supervisors Ammiano, Dufty

Resolution urging the Los Altos City Council to reconsider its decision to pass an amendment forbidding official proclamations which make reference specifically to ethnicity, race, religion, or sexual orientation.

ADOPTED

060272 [Commending Vicki McWilliams]
Supervisor Daly

Resolution commending Vicki McWilliams for her work to support community based organizations, improve communications and facilitate working relationships between government, business and community in the Mid-Market, Union Square and South of Market neighborhoods.

ADOPTED

060279 [Commending Jill Pfeiffer]
Supervisor Sandoval

Resolution commending Jill Pfeiffer for her service as the Director of Excelsior Family Connections and her dedication to the Excelsior community.

ADOPTED

060276 [Extending Time for Labor Negotiations to June 30, 2006]
Supervisor Peskin

Motion extending time for labor negotiations to June 30, 2006, pursuant to Charter Section 11.100.

APPROVED

060277 [Authorizing preparation of Proponent/Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 6, 2006 Election]
Supervisor Peskin

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for Charter Amendment approved by the Board of Supervisors for submittal to the voters at the June 6, 2006 Election.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Severed from the Without Reference to Committee Agenda

Supervisor Peskin requested that the following File Nos. 060248, 060249, 060258, 060273 and 060274 be severed so that they may be considered separately.

060248 [Approve an agreement between SFPUC and SF Recycling and Disposal (SFR&D) for the installation and operation of a photovoltaic project to provide electricity to SFR&D's recycling facility at Pier 96]
Supervisor Maxwell

Resolution authorizing the San Francisco Public Utilities Commission ("SFPUC") to enter into an agreement with San Francisco Recycling and Disposal ("SFR&D") for the installation and operation of a photovoltaic system and associated facilities to provide electricity to SFR&D's recycling facility at Pier 96.

REFERRED.

060249 [Authorizing the Director of the Department of Public Works to accept and expend federal grant funds totaling $6,110,000 for the SOMA Pavement Renovation Project and the Cortland Avenue Pavement Renovation Project]
Supervisor Ammiano

Resolution authorizing the Director of the Department of Public Works to accept and expend federal Surfacing Transportation Program funds totaling $6,110,000 for the SOMA Pavement Renovation Project and the Cortland Avenue Pavement Renovation Project.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

060273 [Grant of Regional Funds - Municipal Transportation Agency]
Supervisor Maxwell

Resolution authorizing the Municipal Transportation Agency to accept and expend $157,031 of Regional Measure 2 Operating Assistance funds.

REFERRED.

060274 [Accept-Expend Federal Grant - Department of the District Attorney]
Supervisor Maxwell

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $443,989 through the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention, entitled "Bayview Community Response Network".

REFERRED.

060258 **[Accept-Expend Equipment - Police Department]**
Supervisor Ma

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend telephone intercept equipment in the amount of $249,170 made available through the Technology Transfer Program, Office of National Drug Control Policy, Counterdrug Technology Assessment Center (ONDCP/CTAC).

REFERRED.

Supervisor Elsbernd requested that the following File Nos. 060271 and 060278 be severed so they might be considered separately.

060271 **[Urging Representatives Nancy Pelosi and Tom Lantos to support HR 4232, the "End the War in Iraq Act of 2005"]**
Supervisors Daly, Ammiano, Mirkarimi

Resolution urging Representatives Nancy Pelosi and Tom Lantos to add their names to the list of Representatives sponsoring HR 4232, the End the War in Iraq Act of 2005, introduced by Representative Jim McGovern; and urging Senators Diane Feinstein and Barbara Boxer to file legislation to the same effect in the Senate.

Continued to March 14, 2006

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

060278 **[Request for a backup plan for the June and November 2006 elections]**
Supervisor Mirkarimi

Resolution requesting the Department of Elections to prepare and present to the Board of Supervisors a backup plan for the June and November 2006 elections in case the Department's currently chosen vendor fails to have its voting equipment certified in time for use in such elections.

REFERRED.

Supervisor Sandoval requested that this matter be severed so that it might be considered separately.

060275 **[Commending Amy Ackerman]**
Supervisors Peskin, Sandoval

Supervisor Sandoval requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCE

060245 **[Settlement of Lawsuit - Tutor Saliba Corporation, et al.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, and City Attorney Dennis J. Herrera on behalf of the People of the State of California, against Ronald N. Tutor, Tutor-Saliba Corporation, Tutor-Saliba-Perini & Buckley, J.V., Perini Corporation, Buckley & Company, Inc., American Home Insurance Company, Fidelity and Deposit Company of Maryland, Swiss Reinsurance America Corporation and Aetna Casualty and Surety Company, filed on November 1, 2002 in the United States District Court, Northern District of California, Case No. 02-5286 CW (EMC), entitled City and County of San Francisco, et al., v. Tutor-Saliba Corporation, et al.; and the lawsuit filed by Tutor-Saliba Corporation against Dennis J. Herrera, Tutor-Saliba Corporation v. Herrera; filed on February 19, 2004 in San Francisco Superior Court, Case No. Civ. 434144, California Court of Appeal Case No. A0 108712, for payment by the Tutor Defendants of $19,000,000 to the City and County of San Francisco. Other material terms of said settlement are: (1) payments to be made by Tutor-Saliba Corporation or Tutor-Saliba Perini & Buckley, J.V. to the City and County of San Francisco as follows: $8,000,000 to be paid by June 30, 2006, $3,000,000 to be paid by June 30, 2007, $3,000,000 to be paid by June 30, 2008, and $5,000,000 to be paid by June 30, 2009. (City Attorney)

2/27/06, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTION

060239 **[Airport Revenue Bonds]**

Resolution approving a form of letter of credit and reimbursement agreement relating to the Airport subordinate commercial paper notes and related matters. (Airport Commission)

2/24/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:08 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

DOCUMENTS DEPT.

MAR 16 2006

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Tuesday, March 14, 2006 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin, Mirkarimi, Elsbernd	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano, Alioto-Pier, Dufty	1st and 3rd Monday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

060215 **[To appropriate $4,910,000 of funding from the General Fund Reserve and de-appropriate savings to fund cost overruns in the Police Department for Fiscal Year 2005-2006.]**
Supervisor Daly

Ordinance appropriating $4,910,000, including $3,570,000 of funding from the General Fund Reserve and de-appropriating $1,300,000 in workers' compensation savings and $40,000 in permanent miscellaneous salary cost savings, to fund the cost overruns of overtime, and adjust salaries and fringe benefits in the Police Department for Fiscal Year 2005-06.

(Fiscal impact.)

FINALLY PASSED

051908 **[Health Care Accountability Ordinance]**
Supervisors Ammiano, McGoldrick, Ma

Ordinance amending the San Francisco Administrative Code by amending Sections 12Q.2.1, 12Q.2.2, 12Q.2.9, 12Q.3, 12Q.4, 12Q.5 and 12Q.6, and adding Sections 12Q.5.1, and 12Q.5.2, and 12Q.8 to: change the requirements of the Health Care Accountability Ordinance with respect to health benefit plans, exemptions for certain categories of employees and agreements, and the payment rates due from employers; authorize the Health Commission to increase the payment rates; authorize the withholding of contract payments; make both substantive and clarifying changes with respect to obligations imposed on Contracting Parties for notification, investigation, auditing, inspection, enforcement, and settlement procedures; revise procedures for the assessment of liquidated damages; establish a process for determining violations and for the administrative appeal of such determinations; authorize waiver of requirements of the Ordinance through collective bargaining; and ratify certain administrative actions.

(Fiscal impact.)

FINALLY PASSED

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m.

Supervisor McGoldrick Excused from Attendance

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to excuse Supervisor McGoldrick from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to approve the February 7, 2006 and February 14, 2006 Board Meeting Minutes. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

COMMUNICATIONS

Kay Gulbengay, Deputy Clerk, informed the Board that the Clerk of the Board's Office was in receipt of a communication from the Mayor vetoing File No. 051453 legislation changing parking requirements in San Francisco's downtown (C-3) district.
The matter will be on the March 21, 2006 Board agenda for consideration.

060031 **[Approving a contract between the City and County of San Francisco and the American Registry for Internet Numbers, LTD. (ARIN) for registration of Internet Protocol address space]**
Supervisor Dufty

Ordinance approving a contract between the City and County of San Francisco and the American Registry for Internet Numbers, LTD. (ARIN), for the registration of Internet Protocol address space, required to increase the City's bandwidth on the Internet and designating ARIN as the sole source contractor for the registration of Internet Addresses, and waiving the competitive procurement requirements of the San Francisco Administrative Code Chapter 21 for this service, and approving the City indemnifying and holding ARIN harmless against claims arising from the activities of the City under the contract, and waiving the requirement of Section 21.35 of the San Francisco Administrative Code that every contract contain a statement regarding liability of claimants for submitting false claims, and waiving the requirement of Section 21.19(d) of the San Francisco Administrative Code that a City contract not contain an automatic renewal provision.

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

060223 **[MOU - Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 1)]**
Mayor

Ordinance adopting and implementing Amendment No. 2, the negotiated agreement that amends the 2003-2007 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 1) by amending the parties' agreement to reflect wages, hours and working conditions for classification H-3 EMT/Paramedic/Firefighter.

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

051889 **[Policy that the City should supply electricity to new City developments where feasible]**
Supervisors Mirkarimi, Sandoval, Maxwell, Daly, Peskin, Ammiano

Ordinance amending the Administrative Code to add Chapter 99: Public Power in New City Developments, establishing as the policy of the City and County of San Francisco that, where feasible, the City shall be the electricity provider for new City developments, including military bases and redevelopment projects.

FINALLY PASSED

Recommendations of the Rules Committee

060164 **[Settlement of Lawsuit - CCSF v. ARCO et al.]**
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against Airport Group International (AGI) for the payment to the Airport of environmental clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal). (City Attorney)

PASSED, ON FIRST READING

060163 [Settlement of Claim - James Mead]

Resolution approving the settlement of the unlitigated claim filed by Mr. James Mead, against San Francisco for $77,500; claim was filed on June 22, 2005.

ADOPTED

060282 [Appointment - Sunshine Ordinance Task Force]

Resolution appointing Pueng Vongs, term ending April 27, 2007, and Hanley Chan, term ending April 27, 2006, to the Sunshine Ordinance Task Force.

Pueng Vongs, succeeding Rosalina Contrereas-Rosado, resigned, seat 4, must be appointed from names submitted by New California Media and be a journalist from a racial/ethnic-minority-owned news organization, for a two-year term ending April 27, 2007.
Hanley Chan, succeeding Edgar Parker, Jr., resigned, seat 9, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for the unexpired portion of a two-year term ending April 27, 2006.

ADOPTED

060283 [Appointment - Library Citizens Advisory Committee]

Resolution appointing Richard Lee Mason, term ending July 18, 2006, to the Library Citizens Advisory Committee.

Richard Lee Mason, succeeding Gayle Leyton, seat 12, must be member from the community at large, representative of senior citizens, for the unexpired portion of a two-year term ending July 18, 2006.

ADOPTED

060285 [Appointment - Graffiti Advisory Board]

Resolution appointing Deborah Mansfield and Doug Diboll, for indefinite terms, to the Graffiti Advisory Board.

Deborah Mansfield, succeeding John Omernik, seat 8, resigned, must represent private schools operating in San Francisco, for an indefinite term.
Doug Diboll, succeeding Deborah Mansfield, seat 11, resigned, non-voting member, must represent neighborhood organization, for an indefinite term.

ADOPTED

060281 [Appointment - Small Business Commission]

Motion appointing David Chiu, term ending January 6, 2010, to the Small Business Commission.

David Chiu, succeeding David Sahagun, seat 2, term expired, must be appointed by the Board of Supervisors and be an owner, operator, or officer of a San Francisco small business, for the unexpired portion of a four-year term ending January 6, 2010.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

050298 **[Repealing Ordinance Number 72-04 Conditionally Designating 690 Market as a Landmark]**
Supervisor Peskin

Ordinance Repealing Ordinance Number 72-04 Conditionally Designating 690 Market, the Chronicle Building, As Landmark No. 243 under Article 10 of the Planning Code.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

060081 **[Minor Sidewalk Encroachments - Partial repeal of public right-of-way occupancy assessment fee]**
Supervisors Alioto-Pier, Dufty, Maxwell

Ordinance amending Public Works Code Section 723.2 to repeal the public right-of-way occupancy assessment fee for specified minor sidewalk encroachments and to delineate those specified minor sidewalk encroachments for which the fee shall apply; and making repeal of the fee for specified encroachments set forth herein retroactive to August 29, 2005.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

060216 **[To appropriate funding for San Francisco General Hospital operations and capital projects, Laguna Honda Hospital operations and Department of Public Health operations]**
Supervisors Daly, Mirkarimi

Ordinance appropriating $14,366,156 to the Department of Public Health, including $7,777,353 in surplus health revenues from San Francisco General Hospital (SFGH), de-appropriating $740,000 in General Fund dollars from the SFGH Chiller and Generator capital project, $1,800,000 in transfer from PUC Mayor's Economic Conservation Account (MECA) Fund and $4,048,803 in Laguna Honda Hospital Medical In-Patient Revenue; and appropriating the $7,777,353 in surplus health revenues for SFGH salaries, non-personnel services, and capital improvements to the SFGH Service Building, and re-appropriating $740,000 to the Service Building Seismic Retrofit capital project, $1,800,000 for the SFGH Chiller/Generator project and appropriating $3,998,803 for salaries, and non-personnel at Laguna Honda Hospital and $50,000 in salaries at Department of Public Health.

(Fiscal impact.)

PASSED, ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

060254 **[Public Employment - Department of Public Health]**
Mayor

Ordinance amending Ordinance No. 2004-05 (Annual Salary Ordinance No. 204-05 (Annual Salary Ordinance 2005/2006) to reflect the creation of one position in the Department of Public Health.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

060131 **[Modification of Easement Deed]**
Resolution approving a modification to an existing Easement Deed between Pacific Gas & Electric Company, a California public utility, and the City and County of San Francisco, acting by and through its Public Utilities Commission ("SFPUC") for the realignment of an existing gas line on City land under the jurisdiction of the SFPUC located in Sunol, California. (Real Estate Department)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

From the Budget and Finance Committee Without Recommendation

060079 **[Lease of Real Property at One South Van Ness Avenue]**
Mayor

Resolution authorizing the lease of approximately 66,565 square feet of space at One South Van Ness Avenue for the Municipal Transportation Agency and the City and County of San Francisco's 311 Call Center.

(Fiscal impact.)

ADOPTED by the following vote:
Ayes: 7 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 3 - Daly, Mirkarimi, Sandoval
Excused: 1 - McGoldrick

Recess

The Board recessed at the hour of 3:05 p.m.

Reconvening of the Board

The Board reconvened at the hour of 3:35 p.m.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval - 10

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Supervisor Mirkarimi introduced, welcomed and presented a Certificate of Honor to Elena Wheaton in recognition of 35 years of dedicated service as a teacher and principal in the San Francisco Unified School District.

COMMITTEE REPORTS

060151 [Implementation of Proposition H, which prohibits the sale, manufacture or distribution of firearms and limits possession of handguns within CCSF, by placement in the Police Code and by enacting penalties for violation]

Mayor

Ordinance implementing Proposition H, which was enacted by the voters on November 8, 2005, and which prohibits the sale, distribution, transfer, and manufacture of firearms and ammunition and limits possession of handguns within the City and County of San Francisco, by placing the text of Proposition H in the Police Code and by enacting penalties for its violation.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

060274 **[Accept-Expend Federal Grant - Department of the District Attorney]**
Supervisors Maxwell, Ammiano

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $443,989 through the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention, entitled "Bayview Community Response Network".

Supervisor Ammiano requested to be added as cosponsor.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffe; showed interest in National Sunshine Week
Walter; expressed to Board in song appreciation of life.
Eugene Gordon, Jr.; expressed concern regarding human rights issues
John Didona; expressed concerns regarding Iraq war through words from song
Chung Lim; expressed concerns regarding treatment of Falun Gong practitioners
Male speaker; expressed concern regarding homo phobic graffiti and concern for lack of punishment for hit and run drivers in San Francisco

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

Items 23-27 on the Without Reference to Committee Agenda were adopted by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - McGoldrick

Supervisor Daly, seconded by Supervisor Maxwell, moved to rescind the previous vote.
Motion to rescind the previous vote carried without objection.

060322 **[Commending Janet Rogers]**
Supervisor Elsbernd

Resolution commending Janet Rogers on the celebration of her 35 years of service to the City and County of San Francisco.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

060323 **[Arbor Week March 13-18, 2006]**
Supervisor Ma

Resolution declaring March 13 – 18, 2006 as "Arbor Week" in the City and County of San Francisco.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

060326 **[Declaring April 22nd, 2006 as Heber Cady Tilden Day in San Francisco]**
Supervisor McGoldrick

Resolution declaring April 22nd, 2006 as Heber Cady Tilden Day in San Francisco.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

060327 **[Commending Dr. David Smith]**
Supervisor Mirkarimi

Resolution commending Dr. David Smith for 39 years of service to the community at the Haight Ashbury Free Clinic.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

060328 **[Honoring the life of Mary Rogers]**
Supervisors Mirkarimi, Maxwell, Dufty

Resolution honoring the life of Mary Rogers for 40 years of community service to San Francisco fighting for the rights of a community.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Severed From the Without Reference to Committee Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

060271 **[Urging Representatives Nancy Pelosi and Tom Lantos to support HR 4232, the "End the War in Iraq Act of 2005"]**

Supervisors Daly, Ammiano, Mirkarimi

Resolution urging Representatives Nancy Pelosi and Tom Lantos to add their names to the list of Representatives sponsoring HR 4232, the End the War in Iraq Act of 2005, introduced by Representative Jim McGovern; and urging Senators Diane Feinstein and Barbara Boxer to file legislation to the same effect in the Senate.

ADOPTED by the following vote:

Ayes: 7 - Ammiano, Dufty, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Elsbernd
Absent: 1 - Daly
Excused: 1 - McGoldrick

Supervisor Mirkarimi, seconded by Supervisor Sandoval, moved to rescind the previous vote on the advice of the Deputy City Attorney.
Motion to rescind the previous vote carried without objection.

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Elsbernd
Excused: 1 - McGoldrick

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

060302 **[Settlement of Lawsuit - Iva Hetzel]**

Ordinance authorizing settlement of the lawsuit filed by Iva Hetzel against the City and County of San Francisco for $50,000; the lawsuit was filed on November 2, 2000 in San Francisco Superior Court, Case No. 434-793; entitled Iva Hetzel, et al., v. City and County of San Francisco, et al. (City Attorney)

3/6/06, RECEIVED AND ASSIGNED to Rules Committee.

060303 **[Settlement of Lawsuit - Gisselle Shepherd]**

Ordinance authorizing settlement of the lawsuit filed by Gisselle Shepherd against the City and County of San Francisco for $140,000; the lawsuit was filed on September 18, 2003 in San Francisco Superior Court, Case No. 424-524; entitled Gisselle Shepherd, et al., v. City and County of San Francisco, et al. (City Attorney)

3/6/06, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

060290 **[Settlement Agreement Regarding SACPA Audit]**

Resolution approving the Health Department's entering into a Settlement Agreement with the State of California resolving the State's claim for reimbursement by the City and County of funds provided by the State to the County under the SACPA program for fiscal year July 1, 2001 through June 30, 2002. (City Attorney)

2/28/06, RECEIVED AND ASSIGNED to Rules Committee.

060293 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Jackson Street at Leavenworth Street, westbound, making this intersection an All-Way STOP;
Monterey Boulevard and Congo Street, stopping Monterey Boulevard, making this intersection an All-Way STOP;
14th and Harrison Streets, stopping Harrison Street, making this intersection an All-Way STOP; and,
San Bruno Avenue at Felton Street, stopping San Bruno Avenue, making this intersection an All-Way STOP.
(Parking and Traffic Department)

(2/28/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3146.)

3/2/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

060294 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "W" (2-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Rhode Island Street, both sides, from the 1100 block of Rhode Island to 22nd Street (1000 block); and, Bryant Street, both sides, between 21st and 22nd Streets (2300 block).

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Lincoln Avenue, south side, between 7th and 8th Avenues (600 block).

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM TO 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Divisadero Street, west side, between Haight and Waller Streets (200 block, odd numbers).

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Church Street, both sides, between Cesar Chavez and 27th Streets (portion of the 1400 block).

TOW-AWAY, NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Geary Street, south side, from the Powell Street intersection to 138 feet easterly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
South Van Ness Avenue, west side, from 60 to 100 feet north of Cesar Chavez Street.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Harriet Street, west side, from 245 feet to 292 feet north of Bryant Street (A 47-foot zone accommodating 12 unmetered motorcycle spaces).

TOW-AWAY, NO PARKING, 8 PM TO 4 AM, FRIDAY NIGHT THROUGH SUNDAY MORNING - ESTABLISH
Broadway, both sides, between Columbus Avenue and Montgomery Street.

TOW-AWAY, NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - RESCIND
Howard Street, north side, between Main and Beale Streets.

TOW-AWAY, NO STOPPING, 7 AM TO 9 AM, AND 4 PM TO 6 PM, MONDAY THROUGH FRIDAY – RESCIND
Howard Street, north side, from Beale Street to 200 feet westerly.

BUS STOP, TOW-AWAY, NO PARKING, 6 AM TO 10 AM, MONDAY THROUGH FRIDAY - ESTABLISH
Howard Street, south side, from Spear Street to 90 feet easterly.

TOW-AWAY, NO STOPPING, 7 AM TO 9 AM, AND 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - RESCIND
Howard Street, north side, from Beale Street to 200 feet westerly.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Holyoke Street, west side, between Woolsey Street and Karen Court.

TOW-AWAY, NO PARKING ANYTIME - RESCIND
Guerrero Street, east side, from 21st Street to 60 feet northerly.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
10th Avenue, east side, between the driveways of 1365 and 1371 10th Avenue (accommodating 2 unmetered motorcycle spaces). (Parking and Traffic Department)

(2/28/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3146.)
3/2/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

060295 **[Traffic Regulations]**
Resolution enacting and rescinding traffic regulations on various streets.

RIGHT LANE MUST TURN RIGHT EXCEPT MUNI - ESTABLISH
Howard Street, eastbound, approaching Spear Street.

BICYCLE LANE - ESTABLISH
Howard Street, westbound, from the Embarcadero to Fremont Street

BICYCLE LANE - ESTABLISH
Northbound Potrero Avenue at the Cesar Chavez Interchange, from the 101 southbound off-ramp to 190 feet southerly.

MULTIPLE LEFT TURN LANES - RESCIND
Fell Street, westbound, at Octavia Boulevard.

LEFT LANE MUST TURN LEFT - RESCIND
Fell Street, westbound, at Octavia Boulevard.

RIGHT LANE MUST TURN RIGHT EXCEPT MUNI - RESCIND
Van Ness Avenue southbound, at Bay Street (Parking and Traffic Department)

(2/28/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3146.)
3/2/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

060296 **[Contract funds to participate in the HIV Prevention Trials Unit Protocol 039 study, Yr. 2]**
Resolution authorizing the San Francisco Department of Public Health (SFDPH), to enter retroactively into an agreement with PHFE Management Solutions (PHFE), the primary contractor, and expend funds in the amount of $55,140 to participate in the HIV Prevention Trials Unit Protocol 039 study; for the period of July 1, 2005, to June 30, 2006. (Public Health Department)
3/1/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 3:42 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

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Tuesday, March 21, 2006 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin, Mirkarimi, Elsbernd	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano, Alioto-Pier, Dufty	1st and 3rd Monday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

050298 [Repealing Ordinance Number 72-04 Conditionally Designating 690 Market as a Landmark]
Supervisor Peskin

Ordinance Repealing Ordinance Number 72-04 Conditionally Designating 690 Market, the Chronicle Building, As Landmark No. 243 under Article 10 of the Planning Code.

FINALLY PASSED

060081 [Minor Sidewalk Encroachments - Partial repeal of public right-of-way occupancy assessment fee]
Supervisors Alioto-Pier, Dufty, Maxwell

Ordinance amending Public Works Code Section 723.2 to repeal the public right-of-way occupancy assessment fee for specified minor sidewalk encroachments and to delineate those specified minor sidewalk encroachments for which the fee shall apply; and making repeal of the fee for specified encroachments set forth herein retroactive to August 29, 2005.

FINALLY PASSED

060216 **[To appropriate funding for San Francisco General Hospital operations and capital projects, Laguna Honda Hospital operations and Department of Public Health operations]**

Supervisors Daly, Mirkarimi

Ordinance appropriating $14,366,156 to the Department of Public Health, including $7,777,353 in surplus health revenues from San Francisco General Hospital (SFGH), de-appropriating $740,000 in General Fund dollars from the SFGH Chiller and Generator capital project, $1,800,000 in transfer from PUC Mayor's Economic Conservation Account (MECA) Fund and $4,048,803 in Laguna Honda Hospital Medical In-Patient Revenue; and appropriating the $7,777,353 in surplus health revenues for SFGH salaries, non-personnel services, and capital improvements to the SFGH Service Building, and re-appropriating $740,000 to the Service Building Seismic Retrofit capital project, $1,800,000 for the SFGH Chiller/Generator project and appropriating $3,998,803 for salaries, and non-personnel at Laguna Honda Hospital and $50,000 in salaries at Department of Public Health.

(Fiscal impact.)

FINALLY PASSED

060254 **[Public Employment - Department of Public Health]**

Mayor

Ordinance amending Ordinance No. 2004-05 (Annual Salary Ordinance No. 204-05 (Annual Salary Ordinance 2005/2006) to reflect the creation of one position in the Department of Public Health.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

060046 **[Liquor License - 1141 Polk Street]**

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Raimondo Morrone for Space Gallery located at 1141 Polk Street, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

060057 **[Liquor License, 1168 Folsom Street]**

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Craig Wathen, for City Beer Store located at 1168 Folsom Street, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

060186 **[Accept-Expend Federal Grant - Mayor's Office of Criminal Justice (MOCJ), for Police Department computing environment and network infrastructure]**
Supervisor Ma

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of $986,643 from the U.S. Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS Office) for the purpose of renovating the Police Department computing environment and network infrastructure for the new Records Management System (RMS) application. The new system will provide a more efficient work environment, more accurate information and enhanced safety for both the public and officers.

ADOPTED

060187 **[Accept-Expend Federal Grant - Mayor's Office of Criminal Justice (MOCJ), for Violence Prevention Plan]**
Supervisor Ma

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of $248,170 from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) through a subcontract with the University of California–San Francisco (UCSF) for the purpose of developing a city-wide Violence Prevention Plan.

ADOPTED

060228 **[Grant to develop clinical guidelines for HIV positive transgender persons]**
Supervisors Dufty, Ammiano

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to accept retroactively and expend a new federal grant in the amount of $110,343 from the Health Resources and Services Administration (HRSA) to develop clinical guidelines for HIV positive transgender persons, and to enter into an agreement for the use of these funds; for the period of September 30, 2005, to September 29, 2006.

ADOPTED

Recommendations of the Rules Committee

060151 **[Implementation of Proposition H, which prohibits the sale, manufacture or distribution of firearms and limits possession of handguns within CCSF, by placement in the Police Code and by enacting penalties for violation]**
Mayor

Ordinance implementing Proposition H, which was enacted by the voters on November 8, 2005, and which prohibits the sale, distribution, transfer, and manufacture of firearms and ammunition and limits possession of handguns within the City and County of San Francisco, by placing the text of Proposition H in the Police Code and by enacting penalties for its violation.

FINALLY PASSED

060164 **[Settlement of Lawsuit - CCSF v. ARCO et al.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against Airport Group International (AGI) for the payment to the Airport of environmental clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal). (City Attorney)

FINALLY PASSED

060245 **[Settlement of Lawsuit - Tutor Saliba Corporation, et al.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, and City Attorney Dennis J. Herrera on behalf of the People of the State of California, against Ronald N. Tutor, Tutor-Saliba Corporation, Tutor-Saliba-Perini & Buckley, J.V., Perini Corporation, Buckley & Company, Inc., American Home Insurance Company, Fidelity and Deposit Company of Maryland, Swiss Reinsurance America Corporation and Aetna Casualty and Surety Company, filed on November 1, 2002 in the United States District Court, Northern District of California, Case No. 02-5286 CW (EMC), entitled City and County of San Francisco, et al., v. Tutor-Saliba Corporation, et al.; and the lawsuit filed by Tutor-Saliba Corporation against Dennis J. Herrera, Tutor-Saliba Corporation v. Herrera; filed on February 19, 2004 in San Francisco Superior Court, Case No. Civ. 434144, California Court of Appeal Case No. A0 108712, for payment by the Tutor Defendants of $19,000,000 to the City and County of San Francisco. Other material terms of said settlement are: (1) payments to be made by Tutor-Saliba Corporation or Tutor-Saliba Perini & Buckley, J.V. to the City and County of San Francisco as follows: $8,000,000 to be paid by June 30, 2006, $3,000,000 to be paid by June 30, 2007, $3,000,000 to be paid by June 30, 2008, and $5,000,000 to be paid by June 30, 2009. (City Attorney)

PASSED, ON FIRST READING

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

051453 **[Off-Street Parking In C-3 Zoning Districts]**
Supervisors Peskin, Daly

Ordinance amending the San Francisco Planning Code by amending Sections 151, 151.1, 154, 155, 155.5, 161,166, and 167 to impose new requirements in C-3 Zoning Districts regarding permitted off-street parking and loading, allowed off-street freight loading and service vehicle spaces, bicycle parking, car sharing, to separate parking costs from housing costs, to exempt from the legislation projects that received final Planning Department or Planning Commission approval and submitted complete site permit applications prior to the effective date of the legislation, to require the Planning Department to undertake a study of downtown parking issues, and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.
The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on March 10, 2006. Therefore, the Board will loose the ability to override the veto unless it votes on the veto override on or before April 10, 2006.

Consideration of the Mayor's Veto.
Motion to override the Mayor's veto failed by the following vote:
Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma

Recommendation of the Budget and Finance Committee

060076 [To appropriate $5,216,754 to fund the maintenance and reconstruction of public streets, roads, and the 4th Street Bridge for DPW for Fiscal Year 2005-06]
Mayor

Ordinance appropriating $5,216,754 of Fiscal Year 2005-2006 State Traffic Congestion Relief Funds to fund the maintenance and reconstruction of public streets, roads, and the 4th Street Bridge for the Department of Public Works for Fiscal Year 2005-2006.

(Fiscal impact.)

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

060226 **[To appropriate $6,565,452 to fund the Juvenile Hall Youth Guidance Center Project construction, and to appropriate $1,900,000 for Fire Station No. 24 for the Department of Public Works for Fiscal Year 2005-2006]**

Mayor

Ordinance appropriating $6,565,452, including the de-appropriation of $1,900,000 from the Earthquake Safety Improvement Bonds Phase 1 proceeds, $2,591,458 from the Juvenile Hall Replacement Project COP Reserve/Surety Bond Funds, $1,503,000 from General Fund Capital Program Projects, $453,000 from workers' compensation savings, and $117,994 from Juvenile Hall California Youth Authority General Fund operational savings, to fund the City and County of San Francisco Juvenile Hall Youth Guidance Center Project construction. Additionally, appropriating $1,900,000 of Fire Bond proceeds to fund construction expenses for Fire Station No. 24 for the Department of Public Works for Fiscal Year 2005-2006.

(Fiscal impact.)
(Supervisors Daly and Peskin dissenting in committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 2 - Daly, Peskin

060208 **[Authorize payment of performance fees and for final closeout of the Water Infrastructure Partners contract for an amount not to exceed $487,726]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to pay performance fees for Contract Year No. 4 for final closeout of the Agreement with the Water Infrastructure Partners for an amount not to exceed $487,726. (Public Utilities Commission)

(Fiscal impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Rules Committee

051962 **[Membership in the Asthma Task Force]**

Supervisor Maxwell

Ordinance amending Sections 19A.20 and 19A.23 of the San Francisco Administrative Code to reduce the number of voting members in the Asthma Task Force from 20 to 15 members, modify the list of non-voting members from City agencies, and extend the Task Force expiration date to June 30, 2008.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

060136 *** **[Public Hearing]**

Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board members.
Harry Gulbengay, representative of the Department of Public Works
Anthony Lincoln, Property Owner, 1101 Persia Avenue
Board requested that the staff representative from the Department of Public Works review issues raised by the property owner during the next week to seek resolution to this matter.
Continued to March 28, 2006.

HEARD AT PUBLIC HEARING.

060137 **[Report of assessment costs for sidewalk and curb repairs]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

(DPW Order No. 175,878; Location: 220 Jones Street)

Question divided by deleting the property located at 1101 Persia Avenue and considering it separately under File 060403.

ADOPTED AS DIVIDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060403 **[Report of assessment costs for sidewalk and curb repairs]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, for property located at 1101 Persia Aveneu the costs thereof having been paid for out of a revolving fund.

(DPW Order No. 175,878; Location: 1101 Persia Avenue.)

Continued to March 28, 2006

Supervisor Maxwell, seconded by Supervisor McGoldrick, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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SPECIAL ORDER 3:00 P.M.

060136 **[Public Hearing]**

Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board members.
Harry Gulbengay, representative of the Department of Public Works
Anthony Lincoln, Property Owner, 1101 Persia Avenue
Board requested that the staff representative from the Department of Public Works review issues raised by the property owner during the next week to seek resolution to this matter.
The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

060137 **[Report of assessment costs for sidewalk and curb repairs]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

(DPW Order No. 175,878; Locations: 220 Jones Street and 1101 Persia Avenue.)

Question divided by deleting the property located at 1101 Persia Avenue and considering it separately under File 060403.

ADOPTED AS DIVIDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060403 **[Report of assessment costs for sidewalk and curb repairs]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

(DPW Order No. 175,878; Location: 1101 Persia Avenue.)

Continued to March 28, 2006

Supervisor Maxwell, seconded by Supervisor McGoldrick, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recess

The Board recessed at the hour of 2:52 p.m.

Reconvening of the Board

The Board reconvened at the hour of 3:00 p.m.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval - 11

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Mirkarimi introduced, welcomed and presented a Certificate of Honor to Sandy Mori in recognition of her efforts to save Japan Town.
Supervisor Maxwell introduced, welcomed and presented Certificate of Honors to members of the Black Swim Team.

Recess

The Board recessed at the hour of 3:25 p.m.

Reconvening of the Board

The Board reconvened at the hour of 4:02 p.m.

Calling the Roll

The following Supervisors were noted present: Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin - 8

Supervisor Ammiano was noted present at 4:03 p.m.
Supervisor Sandoval was noted present at 4:05 p.m.
Supervisor Alioto-Pier was noted present at 4:06 p.m.

SPECIAL ORDER 4:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

060348 **[Hearing - Emergency ordinance reenacting a Disadvantaged Business Enterprise Program]**

Hearing to consider the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board members.

Todd Lewis, Mega Pacific Electric Supplies, support of legislation
Warren Selstrom, Lawyers Committee for Civil Rights, support of legislation and requested permanent legislation be passed
Eileen Hernandez; support of legislation
Karen Woo, Asian, Inc.; support of legislation
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

060349 **[Reenacting a Disadvantaged Business Enterprise Program]**
Supervisor Ma

Emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

060316 [Accept-Expend Federal and State Grants for Voting Equipment]
Supervisor Mirkarimi

Resolution approving the application for funds under the federal Help America Vote Act of 2002 ("HAVA"), Section 301, and Proposition 41 authorizing the San Francisco Department of Elections to accept and expend grants in an amount not to exceed $3.5 million from the California Secretary of State for utilization of Elections Systems & Software's ("ES&S") AutoMARK in the June 6, 2006 election.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues related to the Iraq War
Dr. Ahimsa Porter Sumchai; expressed concern about the Laguna Honda Special Use District
James Chaffee; expressed concern with library issues
Walter; showed interest in miracles
Eugene Gordon, Jr.; expressed concerns with issues related to human rights conditions
Mr. Zekeechee; expressed concern about concentration camps involving Falun Gong practitioners
Ken Johnson; showed interest in Wealth Awareness Week

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

060359 **[Emergency Disadvantaged Business Enterprise Program - March 21, 2006, Committee of the Whole]**
Supervisor Ma

Motion for the Board of Supervisors to convene as a committee of the whole on March 21, 2006, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

APPROVED

060340 **[Urging Governor Schwarzenegger to submit amicus brief to New York Supreme Court of Appeals in support of the right of same-sex civil marriage]**
Supervisor Ammiano

Resolution urging Governor Schwarzenegger to submit an amicus brief to the New York Court of Appeals in support of the right of same-sex civil marriage.

ADOPTED

060356 **[Urging Cardinal Levada to withdraw his directive to Catholic Charities forbidding the placement of children in need of adoption with same-sex couples]**
Supervisors Ammiano, Dufty, Alioto-Pier, Mirkarimi, Ma, Daly

Resolution urging Cardinal William Levada, in his capacity as head of the Congregation for the Doctrine of the Faith at the Vatican, to withdraw his discriminatory and defamatory directive that Catholic Charities of the Archdiocese of San Francisco stop placing children in need of adoption with homosexual households.

(Supervisors Ma and Daly added as co-sponsors.)
ADOPTED

060357 **[Administration of the South of Market (SOMA) Community Stabilization Fund]**
Supervisor Daly

Resolution approving support for the Mayor's Office of Community Development to administer the SOMA Community Stabilization Fund.

ADOPTED

060358 **[Commending Peter Tannen for his leadership in the Bicycle Program]**
Supervisor Dufty

Resolution commending Peter Tannen for his leadership in the Bicycle Program and his successful initiation of the Bike Plan creating safety measures dedicated to improve the streets of San Francisco and the safety of its bicyclists.

ADOPTED

060360 **[Social Workers Month]**
Supervisor Peskin

Resolution proclaiming the month of March 2006 as Professional Social Work Month.

ADOPTED

060362 **[Supporting Senate Bill 1749 - Transit Fare Evasion]**
Supervisor Peskin

Resolution endorsing Senate Bill 1749, a measure aimed at assisting the MTA in collecting greater revenues from minor transit citations, and urging its passage in the California State Legislature.

ADOPTED

060363 **[Protect California State Park Lands]**
Supervisor Peskin

Resolution requesting the Foothill/Eastern Transportation Corridor Agency immediately and permanently withdraw its plans to construct a toll road through the San Onofre State Beach and urging the Director of Public Finance to refrain from acquiring any bonds for, or making other financial investments in, the Toll Road project.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Without Reference to Committee Agenda

Supervisor Peskin requested that this matter be severed so that it might be considered separately.

060361 [National Biological Foundry]

Supervisors Peskin, Alioto-Pier

Resolution endorsing the application to the United States Department of Energy by the California Council on Science and Technology to establish a National Biological Foundry in San Francisco.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved ADOPTION of the Serious Injury Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved ADOPTION of the purely Brown Act Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060371 [Condemning upcoming rally to be held by anti-abortion groups in front of City Hall on Friday, March 24, 2006]

Supervisors Ammiano, Ma, Maxwell, Daly, Peskin, Mirkarimi

Resolution condemning upcoming rally to be held by anti-abortion groups in front of City Hall on Friday, March 24, 2006.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

060298 [Street Encroachment at 1310 Stanyan Street]

Resolution granting revocable permission to Kieran J. Woods to occupy a portion of the public right-of-way to construct a privately maintained driveway, including a low retaining wall, a stepped entry path, landscaping and other related improvements within an existing unimproved portion of Stanyan Street between Clarendon and Mountain Spring Avenues, to provide vehicular access to a proposed new single family dwelling at 1310 Stanyan Street (Block 2706, Lot 035) conditioned upon the payment of an annual assessment fee of $5,600 and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

3/9/06, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

060299 **[Approve Contract with ValueOptions, Inc. for contract services to improve access to mental health treatment for children in foster care and other children placed outside of San Francisco]**

Resolution authorizing the Department of Public Health to retroactively contract with ValueOptions, Inc. to provide services to foster care and other Medi-Cal eligible children placed outside of San Francisco, for the period of July 1, 2005 through June 30, 2008. (Public Health Department)

3/13/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

3/21/06, WITHDRAWN AND FILED. The item was filed at the request of the sponsor (Public Heath Department).

ADJOURNMENT

There being no further business, the Board recessed at the hour of 4:12 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

DOCUMENTS DEPT.

MAR 30 2006

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, March 28, 2006 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin, Mirkarimi, Elsbernd	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano, Alioto-Pier, Dufty	1st and 3rd Monday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll Supervisor Ammiano was noted absent.

Supervisor Ammiano was excused from attending today's meeting.

There was a quorum.

Supervisor Ammiano Excused from Attendance

Supervisor Alioto-Pier, seconded by Supervisor Maxwell, moved to excuse Supervisor Ammiano from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

APPROVAL OF MEETING MINUTES

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to approve the February 28, 2006 and Special Board Meeting Minutes for the Budget and Finance Committee Meeting of March 1, 2006. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Rules Committee

051962 **[Membership in the Asthma Task Force]**
Supervisor Maxwell

Ordinance amending Sections 19A.20 and 19A.23 of the San Francisco Administrative Code to reduce the number of voting members in the Asthma Task Force from 20 to 15 members, modify the list of non-voting members from City agencies, and extend the Task Force expiration date to June 30, 2008.

FINALLY PASSED

060245 **[Settlement of Lawsuit - Tutor Saliba Corporation, et al.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, and City Attorney Dennis J. Herrera on behalf of the People of the State of California, against Ronald N. Tutor, Tutor-Saliba Corporation, Tutor-Saliba-Perini & Buckley, J.V., Perini Corporation, Buckley & Company, Inc., American Home Insurance Company, Fidelity and Deposit Company of Maryland, Swiss Reinsurance America Corporation and Aetna Casualty and Surety Company, filed on November 1, 2002 in the United States District Court, Northern District of California, Case No. 02-5286 CW (EMC), entitled City and County of San Francisco, et al., v. Tutor-Saliba Corporation, et al.; and the lawsuit filed by Tutor-Saliba Corporation against Dennis J. Herrera, Tutor-Saliba Corporation v. Herrera; filed on February 19, 2004 in San Francisco Superior Court, Case No. Civ. 434144, California Court of Appeal Case No. A0 108712, for payment by the Tutor Defendants of $19,000,000 to the City and County of San Francisco. Other material terms of said settlement are: (1) payments to be made by Tutor-Saliba Corporation or Tutor-Saliba Perini & Buckley, J.V. to the City and County of San Francisco as follows: $8,000,000 to be paid by June 30, 2006, $3,000,000 to be paid by June 30, 2007, $3,000,000 to be paid by June 30, 2008, and $5,000,000 to be paid by June 30, 2009. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

REGULAR AGENDA

UNFINISHED BUSINESS

DOCUMENTS DEPT.
MAR 30 2006
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Recommendation of the Budget and Finance Committee

** 060226 **[To appropriate $6,565,452 to fund the Juvenile Hall Youth Guidance Center Project construction, and to appropriate $1,900,000 for Fire Station No. 24 for the Department of Public Works for Fiscal Year 2005-2006]**

Mayor

Ordinance appropriating $6,565,452, including the de-appropriation of $1,900,000 from the Earthquake Safety Improvement Bonds Phase 1 proceeds, $2,591,458 from the Juvenile Hall Replacement Project COP Reserve/Surety Bond Funds, $1,503,000 from General Fund Capital Program Projects, $453,000 from workers' compensation savings, and $117,994 from Juvenile Hall California Youth Authority General Fund operational savings, to fund the City and County of San Francisco Juvenile Hall Youth Guidance Center Project construction. Additionally, appropriating $1,900,000 of Fire Bond proceeds to fund construction expenses for Fire Station No. 24 for the Department of Public Works for Fiscal Year 2005-2006.

(Fiscal impact.)
(Supervisors Daly and Peskin dissenting in committee.)

FINALLY PASSED by the following vote:

Ayes: 8 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 2 - Daly, Peskin
Excused: 1 - Ammiano

060245 **[Settlement of Lawsuit - Tutor Saliba Corporation, et al.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, and City Attorney Dennis J. Herrera on behalf of the People of the State of California, against Ronald N. Tutor, Tutor-Saliba Corporation, Tutor-Saliba-Perini & Buckley, J.V., Perini Corporation, Buckley & Company, Inc., American Home Insurance Company, Fidelity and Deposit Company of Maryland, Swiss Reinsurance America Corporation and Aetna Casualty and Surety Company, filed on November 1, 2002 in the United States District Court, Northern District of California, Case No. 02-5286 CW (EMC), entitled City and County of San Francisco, et al., v. Tutor-Saliba Corporation, et al.; and the lawsuit filed by Tutor-Saliba Corporation against Dennis J. Herrera, Tutor-Saliba Corporation v. Herrera; filed on February 19, 2004 in San Francisco Superior Court, Case No. Civ. 434144, California Court of Appeal Case No. A0 108712, for payment by the Tutor Defendants of $19,000,000 to the City and County of San Francisco. Other material terms of said settlement are: (1) payments to be made by Tutor-Saliba Corporation or Tutor-Saliba Perini & Buckley, J.V. to the City and County of San Francisco as follows: $8,000,000 to be paid by June 30, 2006, $3,000,000 to be paid by June 30, 2007, $3,000,000 to be paid by June 30, 2008, and $5,000,000 to be paid by June 30, 2009. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

060226 **[To appropriate $6,565,452 to fund the Juvenile Hall Youth Guidance Center Project construction, and to appropriate $1,900,000 for Fire Station No. 24 for the Department of Public Works for Fiscal Year 2005-2006]**

Mayor

Ordinance appropriating $6,565,452, including the de-appropriation of $1,900,000 from the Earthquake Safety Improvement Bonds Phase 1 proceeds, $2,591,458 from the Juvenile Hall Replacement Project COP Reserve/Surety Bond Funds, $1,503,000 from General Fund Capital Program Projects, $453,000 from workers' compensation savings, and $117,994 from Juvenile Hall California Youth Authority General Fund operational savings, to fund the City and County of San Francisco Juvenile Hall Youth Guidance Center Project construction. Additionally, appropriating $1,900,000 of Fire Bond proceeds to fund construction expenses for Fire Station No. 24 for the Department of Public Works for Fiscal Year 2005-2006.

(Fiscal impact.)
(Supervisors Daly and Peskin dissenting in committee.)

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 2 - Daly, Peskin

NEW BUSINESS

Recommendations of the Budget and Finance Committee

060141 **[To appropriate capital project funding for seven capital improvement projects by revising the current sources and uses appropriations in the S.F. International Airport's Five-Year Capital Plan]**
Mayor

Ordinance appropriating $16,342,714, including the de-appropriation of $15,707,484 in current project funding to use this source for appropriation, and appropriating an additional $635,230 of Airport fund balance generated from prior year's interest income. These sources and uses are herein appropriated for various San Francisco International Airport (SFIA) capital projects to reflect the updated San Francisco International Airport Five-Year Capital Plan, Fiscal Year 2004-2005 through Fiscal Year 2008-2009.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

052039 **[Fuel Contract 70881 - Office of Contract Administration]**
Resolution authorizing the Purchaser to award contract for Fuel, Diesel, Bio-Diesel and Gasoline as the contract will exceed $10,000,000.00. (Purchaser)

(Fiscal impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

060129 **[Emergency contract to contain and abate hazardous material at the MUNI Woods Facility]**
Resolution approving an emergency public work contract to contain and abate a hazardous material diesel fuel spill at the MUNI Woods Facility. (Public Works Department)

(Fiscal impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

060239 **[Airport Revenue Bonds]**
Resolution approving a form of letter of credit and reimbursement agreement relating to the Airport subordinate commercial paper notes and related matters. (Airport Commission)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

060312 [Recommending approval of Community Facilities District formation and financing by the ABAG Finance Authority For Nonprofit Corporations]
Supervisor Daly

Resolution recommending approval of the formation of a community facilities district and the issuance of revenue bonds by the ABAG Finance Authority For Nonprofit Corporations related to the Rincon Hill Downtown Residential District; making findings; approving related joint community facilities agreement; and granting general authority to city officials to take actions necessary to implement this resolution.

Continued to a public hearing on April 4, 2006 at 3:00 p.m.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

060165 [To appropriate $1,127,000 in funding for San Francisco General Hospital capital projects]
Mayor

Ordinance appropriating $36,714,000 in revenues, including $222,647 in Medi-Cal Safety Net Care Pool, $5,433,000 in San Francisco General Hospital (SFGH) revenue, $4,030,000 from surplus SB90 state revenue, $16,952,156 in unappropriated General Fund Balance, $720,000 in Primary Care surplus intradepartmental recoveries and $9,356,197 in Laguna Honda Hospital (LHH) surplus health revenues; and appropriating $347,000 for a work order with the Sheriff for security services at SFGH, $25,000,000 for the planning and Environmental Impact Report (EIR) at SFGH, $117,000 for security services at LHH, $9,495,000 for furniture, fixtures and equipment associated with the hospital replacement, and $1,755,000 for capital projects at Primary Care clinics for the Public Health Department for Fiscal Year 2005-06.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

060225 [To appropriate $3,330,980 to fund cost overruns at the Police Department and violence prevention investments for Children, Youth and Their Families for Fiscal Year 2005-2006]
Supervisor Ma

Ordinance appropriating $3,330,980 to fund salary and fringe overruns and expanded services at the Police Department and violence prevention programming and investments in the Department of Children, Youth and Their Families for Fiscal Year 2005-2006. Sources of funds include $2,572,307 from the Unappropriated General Fund Balance and $758,673 from the Fiscal Year 2005-2006 Children's Baseline Growth. Uses of funds include $2,572,307 for the Police Department and $758,673 for the Department of Children, Youth and Their Families.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

From the Budget and Finance Committee Without Recommendation

060252 **[To appropriate funding at the Department of Human Services for homeless services and to maintain and restore shelter bed capacity utilizing General Fund Reserves]**
Supervisors Daly, Mirkarimi, Ammiano

Ordinance appropriating $690,000 of General Fund for the Department of Human Services to fund homeless services and to maintain and restore shelter bed capacity for fiscal year 2005-06.

(Fiscal impact.)

Supervisor Daly, seconded by Supervisor Dufty, moved to amend by placing $690,000 on a Budget and Finance Committee reserve.
Supervisor Daly withdrew the motion to amend this matter.

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved to re-refer this matter to the Budget & Finance Committee.
Supervisor Elsbernd withdrew the motion to re-refer this matter to Committee.

Continued to April 4, 2006
Supervisor Daly, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

Recommendations of the Land Use and Economic Development Committee

051841 **[Haight Street Alcohol Restricted Use Subdistrict – Permissible bar use in movie theaters]**
Supervisors Mirkarimi, Ammiano

Ordinance amending Planning Code Section 781.9 to allow a bar use in a movie theater under specified circumstances in the Haight Street Alcohol Restricted Use Subdistrict; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

Supervisor Peskin Excused From Voting

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved to excuse Supervisor Peskin, at his request, because of possible conflict of interest, from voting.. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
Excused: 2 - Ammiano, Peskin

051925 **[Resolution initiating designation to amend the Telegraph Hill Historic District]**
Supervisor Alioto-Pier

Resolution initiating designation to amend the Telegraph Hill Historic District and to include additional properties in this Historic District pursuant to sections 1004 and 1004.1 of the Planning Code.

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
Excused: 2 - Ammiano, Peskin

SPECIAL ORDER 3:00 P.M.

060136 **[Public Hearing]**

Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, for property located at 1101 Persia Avenue the costs thereof having been paid for out of a revolving fund. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board members.

Harry Gulbengay, Department of Public Works representative.
Anthony Lincoln, property owner requested that the administrative and assessment fees be waived.
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

060403 **[Report of assessment costs for sidewalk and curb repairs]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, for property located at 1101 Persia Avenue the costs thereof having been paid for out of a revolving fund.

(DPW Order No. 175,878; Location: 1101 Persia Avenue.)

Amended by deleting the administrative costs and assessment fees.

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Resolution be ADOPTED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Ma, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

Supervisor Ma welcomed, introduced and presented Certificate of Honors to the members of the Sacred Heart Cathedral Preparatory Girls Basketball team in recognition of winning the California Division 4 State Basketball Championships and to members of the Sacred Heart Cathedral Preparatory Boys Basketball team in recognition for reaching the finals of the State Basketball Championship.

SPECIAL ORDER 4:00 P.M.

060240 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 229 32nd Avenue (aka 7070 California), Katherine Delmar Burke School Project]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated October 31, 2005 (Case No. 2005.0275E), exempting from environmental review under Categorical Exemption Class 14, [State Guidelines Section 15314] and Class 32, [State Guidelines, Section 15332 (a) through (e)], the Katherine Delmar Burke School Addition, located at 229-32nd Avenue (aka 7070 California), Block 1392, Lot 037. The proposed project entails construction of a two-story, 26.5-foot tall arts and science building containing six classrooms, and removal of a paved tennis court presently occupying the site. The new 9,569 sq.ft. infill academic building would add 16 percent capacity in the 3.32-acre campus' existing 60,407 sq.ft. of built space. The project site is rectangular in shape, consisting of approximately 7,200 sq.ft. or 0.165 acre in size. The project site, within the Katherine Delmar Burke School campus, is set back from El Camino del Mar to the north and is also bounded by Lincoln Park to the west and 32nd Avenue to the east. Located in the Sea Cliff neighborhood, the project site is within the RH-1 (D) Residential, House, One-Family (Detached Dwellings) District and a 40-X Height and Bulk District. The Project would require conditional Use authorization for modification to an existing Planned Unit Development (PUD) and authorization for expansion of an educational use. (Appellant: Lincoln Park Homeowners Association, represented by Diane K. Hanna, Attorney, Ellman Burke Hoffman & Johnson, a Professional Corporation.)

(Filed February 15, 2006; companion measure to Files 060241, 060242, 060243; District 1.)

The President inquired as to whether or not any member of the public wished to address the Board members. There were none.

Continued to April 4, 2006

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

060241 **[Affirming the categorical exemption issued for 229 32nd Avenue (Katherine Delmar Burke School) project]**

Motion affirming the determination by the Planning Department that the 229 32nd Avenue (Katherine Delmar Burke School) project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to April 4, 2006

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

060242 **[Disapproving the categorical exemption issued for 229 32nd Avenue (Katherine Delmar Burke School) project]**

Motion disapproving the determination by the Planning Department that the 229 32nd Avenue (Katherine Delmar Burke School) project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to April 4, 2006

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

060243 **[Preparation of findings related to the 229 32nd Avenue (Katherine Delmar Burke School) project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 229 32nd Avenue (Katherine Delmar Burke School) is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to April 4, 2006

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

COMMITTEE REPORTS

051651 **[Protection of employee rights]**

Supervisors Mirkarimi, Ammiano, Peskin, Dufty, Ma, Maxwell, Daly, Sandoval, McGoldrick

Ordinance amending Section 11.55 of the Administrative Code to require franchise grantees to comply with provisions of federal law that prohibit discrimination against an employee based on an employee's decision to participate in employee organizations for the purpose of representation, and to require grantees to notify contractors and subcontractors that they must comply with these same provisions, and to prohibit discrimination against an employee, contractor or subcontractor for speaking before or filing a complaint with any government agency or court, and to ensure that company policies, handbooks, and directives are not construed to limit such activity by an employee.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

060302 **[Settlement of Lawsuit - Iva Hetzel]**

Ordinance authorizing settlement of the lawsuit filed by Iva Hetzel against the City and County of San Francisco for $50,000; the lawsuit was filed on November 2, 2000 in San Francisco Superior Court, Case No. 434-793; entitled Iva Hetzel, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with the Iraq War
Espanola Jackson; expressed concern with the proposed the Bay View Hunters Point Redevelopment Plan
James Chaffee; expressed concern with issues relating to the SF Library
Eva Skoufls; expressed concern with issues relating to safety for citizens in Potrero district and a recent mugging
Foula Vasilobiorgis; expressed concern with issues relating to safety for citizens in Potrero district and a recent mugging
Eugene Gordon Jr. expressed concern with human rights issues
John da Donna; expressed concern with capital punishment issues
Ace Washington; expressed concern with issues relating to the City Hall pressroom; with the proposed the Bay View Hunters Point Redevelopment Plan and issues relating to Channel 29

Supervisor Sandoval was noted absent at 4:35 p.m.

CLOSED SESSION

CONFERENCE WITH CITY LABOR NEGOTIATORS

060288 **[Closed Session - Conference with City's Labor Negotiators (Collective Bargaining)]**

Motion that the Board of Supervisors convene in closed session with the City's Labor Relations Negotiators, the Mayor and the Director of Human Relations, for the purpose of reviewing the City's positions in pending labor negotiations with organizations representing the City employee groups.

This closed session is permitted by Government Code Section 54957.6, and San Francisco Administrative Code Section 67.8.

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved to convene in Closed Session. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Ammiano

CLOSED SESSION

The Board recessed at the hour of 4:35 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 5:55 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin - 8

Report on Closed Session

Deputy City Attorney Cheryl Adams, reported that the Board of Supervisors has met in closed session with the City Labor Negotiators, under the provisions of Government Code Section 54957.6 (a) and San Francisco Administrative Code 67.8 for the purpose of reviewing the City's positions in pending labor negotiations with organizations representing the City employee groups.

Persons in attendance: Supervisors Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, McGoldrick, Peskin

Supervisor Sandoval was noted absent at 4:35 p.m
Supervisor Alioto-Pier was noted absent at 5:20 p.m.

Cheryl Adams, Deputy City Attorney
Phil Ginsburg, Director, Human Resources Department
Micki Callahan, Assistant Employee Relations Director
Steve Kawa, Chief of Staff, Mayor's Office
Monique Zmuda, Assistant Controller
Gloria L. Young, Clerk of the Board
Kay Gulbengay, Deputy Clerk

The meeting was informational only and no action was taken.

Continued to April 11, 2006

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Alioto-Pier, Sandoval
Excused: 1 - Ammiano

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the pending City Labor Negotiations. (Collective Bargaining)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 8 - Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Alioto-Pier, Sandoval
Excused: 1 - Ammiano

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

060366 [General Advertising Signs – Extension of Planning Commission Review Period]
Supervisor Peskin

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Administrative Code by adding Section 2.21 to establish a General Advertising Sign Relocation Procedure; to amend the San Francisco Planning Code by amending Section 303 to add criteria for the Planning Commission's approval of a general advertising sign relocation site, adding Section 358 to establish fees for the Planning Commission's review of General Advertising Sign Inventories and proposed Relocation Agreements, amending Section 604 to prohibit general advertising signs that have been removed from being replaced on the same site, adding Section 604.2 to require general advertising sign companies to maintain and submit to the City current inventories of their signs, and amending Sections 1005 and 1111.7 to prohibit the relocation of new general advertising signs to Historic Districts or Conservation Districts or on an historic property regulated by Articles 10 and 11 of the Planning Code; and to adopt findings including environmental findings and findings of consistency with the Priority Policies of Planning Code Section 101.1 and the General Plan.

ADOPTED

060381 [Diabetes Awareness Day]
Supervisors Ma, Dufty

Resolution recognizing March 28, 2006 as “Diabetes Awareness Day”.

ADOPTED

060382 [World Water Day]
Supervisor Ma

Resolution recognizing March 22, 2006 as World Water Day.

ADOPTED

060383 **[Supporting Senate Bill 1414-California Fair Share Healthcare Act]**
Supervisor Ma

Resolution supporting SB 1414, the California Fair Share Health Care Act.

ADOPTED

060384 **[Declaring April 8, 2006 as Ruth May Maginnis Day in San Francisco]**
Supervisor McGoldrick

Resolution declaring April 8, 2006 as Ruth May Maginnis Day in San Francisco.

ADOPTED

060385 **[Old Mint; Transferable Development Rights]**
Supervisor Peskin

Resolution authorizing the director of property for the City and County of San Francisco to execute and cause to be recorded a Certificate of Transfer and to take such other actions as may be necessary to effectuate the transfer of development rights from the Old Mint pursuant to Planning Code Section 128.

ADOPTED

060331 **[Final Map for a 41 Unit Commercial/Residential Condominium Project - 901 Bayshore Boulevard]**
Motion approving Final Map of 901 Bayshore Boulevard, a Commercial/Residential Condominium Project, being a subdivision of Lot 62 in Assessor's Block No. 5402, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

APPROVED

060370 **[Committee of the Whole - April 4, 2006 - Formation of a community facilities district in connection with the Rincon Hill Downtown Residential District]**
Supervisor Daly

Motion to sit as a Committee of the Whole on April 4, 2006 at 3:00 p.m. to accept public testimony regarding the potential recommendation for approval of the formation of a community facilities district and the issuance of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations related to the Rincon Hill Downtown Residential Disrict.

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

Severed from the Without Reference to Committee Agenda

Supervisor McGoldrick requested that this matter be severed so that it might be considered separately.

060121 **[Incorporating Street Performers into the Street Artist Program and designating sound appropriate sales areas for certified Street Artists]**
Supervisor McGoldrick

Resolution recognizing that qualified Street Performers are eligible to participate in the Street Artist Program and urging the designation of sales areas within the Program that are appropriate for amplified sound.

Continued to May 2, 2006

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

060300 **[Settlement of Lawsuit - Maximilian Castro]**
Ordinance authorizing settlement of the lawsuit filed by Maximilian Castro against the City and County of San Francisco for $125,000; the lawsuit was filed on December 15, 2000 in San Francisco Superior Court, Case No. 317-475; entitled Maximilian Castro, et al., v. City and County of San Francisco, et al. (City Attorney)
3/16/06, RECEIVED AND ASSIGNED to Rules Committee.

060332 **[Settlement of Lawsuit - Mirvat Harb]**
Ordinance authorizing settlement of the lawsuit filed by Mirvat Harb against the City and County of San Francisco for $200,000; the lawsuit was filed on December 23, 2004 in San Francisco Superior Court, Case No. 437-254; entitled Mirvat Harb, et al., v. City and County of San Francisco, et al. (City Attorney)
3/16/06, RECEIVED AND ASSIGNED to Rules Committee.

060335 **[Settlement of Lawsuit - Reliant Energy, Inc.]**
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, on behalf of the People of California, against Reliant Energy, Inc. and other Reliant Companies; the lawsuit entitled People v. Dynegy, et al. was filed on January 18, 2001, and has been coordinated as Wholesale Electricity Antitrust Cases I & II in the Superior Court of the State of California for the County of San Diego, JCCP Nos. 4204 and 4205; the settlement provides $666,666.66 to San Francisco and $430 million in benefits to California electric ratepayers, among other provisions. (City Attorney)
3/14/06, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

060333 **[IHSS Provider Benefits and Administration Contract Approval – San Francisco IHSS Public Authority]**

Resolution approving the contract between the City and County of San Francisco and San Francisco In-Home Supportive Services (IHSS) Public Authority for the provision of Administration, health and dental benefits to IHSS Independent Providers for the period of July 1, 2006 to June 30, 2012, in the amount of $201,786,117.00 (Human Services Department)

3/16/06, RECEIVED AND ASSIGNED to Budget and Finance Committee. Department requests this item be referred to Budget and Finance Committee due to the dollar amount of the contract.

060334 **[Child Care Services Contract Approval - Children's Council of San Francisco]**

Resolution approving the contract between the City and County of San Francisco and the Children's Council of San Francisco to provide child care services, for the period from July 1, 2006 to June 30, 2012, in the amount of $245,425,551. (Human Services Department)

3/16/06, RECEIVED AND ASSIGNED to Budget and Finance Committee. Department requests this item be referred to Budget and Finance Committee due to the dollar amount of the contract.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:58 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

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Tuesday, April 4, 2006 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin, Mirkarimi, Elsbernd	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano, Alioto-Pier, Dufty	1st and 3rd Monday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, all Supervisors were noted present.

There was a quorum.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes for March 7, 2006 and March 14, 2006 Special Board Meeting Minutes for the Budget and Finance Committee Meeting of March 15, 2006. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

060141 **[To appropriate capital project funding for seven capital improvement projects by revising the current sources and uses appropriations in the S.F. International Airport's Five-Year Capital Plan]**
Mayor

Ordinance appropriating $16,342,714, including the de-appropriation of $15,707,484 in current project funding to use this source for appropriation, and appropriating an additional $635,230 of Airport fund balance generated from prior year's interest income. These sources and uses are herein appropriated for various San Francisco International Airport (SFIA) capital projects to reflect the updated San Francisco International Airport Five-Year Capital Plan, Fiscal Year 2004-2005 through Fiscal Year 2008-2009.

(Fiscal impact.)

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

060109 **[Traffic Regulations]**
Supervisor Mirkarimi

Resolution enacting and rescinding traffic regulations on various streets.

BICYCLE LANE - ESTABLISH
Scott Street, northbound, from Haight Street to Oak Street.

NO TURN ON RED - ESTABLISH
Scott Street, northbound, at Oak Street.

(1/17/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

ADOPTED

060133 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO STOPPING ANYTIME, 7 AM TO 3 PM, MONDAY THROUGH FRIDAY - RESCIND
Pine Street, south side, from Montgomery Street to 155 feet easterly (creates new metered parking, but maintains Tow-Away 3 PM to 7 PM, Monday through Friday).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Lake Merced Boulevard, northbound, right turn lane onto Font Boulevard to the limit of the existing angle parking on the south side of Font Boulevard.

4-HOUR PARKING TIME LIMIT, 7:00 AM TO 6:00 PM, EXCEPT SUNDAY - RESCIND
PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
2-HOUR PARKING TIME LIMIT, 7:00 AM TO 6:00 PM, EXCEPT SUNDAY - ESTABLISH
Mississippi Street, east side, between Cesar Chavez and northern terminus.

TOW-AWAY, NO PARKING - ESTABLISH
Mississippi Street, west side, between Cesar Chavez Street and northern terminus.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Irwin Street, north side, between 7th and 8th Streets.

TOW-AWAY, NO PARKING, 7 AM TO 9 AM, MONDAY THROUGH FRIDAY - ESTABLISH
17th Street, north side, from 25 to 58 feet east of Utah Street.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
1122 Folsom Street, north side, from Langton Street to 48 feet westerly; and,
1168 Folsom Street, north side, from the west property line to the east property line (50-foot zone) (both parking restrictions are in conjunction with implementation of sidewalk bulbs).

TOW-AWAY, NO STOPPING, 7 AM TO 9 AM AND 4 PM TO 7 PM, MONDAY THROUGH FRIDAY - RESCIND
TOW-AWAY, NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Franklin Street, west side, from Turk Street to Golden Gate Avenue (replaces existing tow-away regulations).

TOW-AWAY, NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Franklin Street, west side, from Turk Street to 80 feet northerly.

TOW-AWAY, LANE MUST TURN LEFT - RESCIND
Franklin Street, northbound, at Turk Street.

RESIDENTIAL PERMIT PARKING AREA "U" (2-HOUR TIME LIMIT, 8 AM TO 10 PM, EVERYDAY) - ESTABLISH
Rodgers Street, east side, between Folsom Street and the southern terminus (unit block).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
San Jose Avenue, east side, from 10 feet north of the north crosswalk at Farallones Street to 190 feet southerly;
San Jose Avenue, west side, from Farallones Street to 173 feet northerly;
San Jose Avenue, east side, from Lakeview Avenue to 150 feet southerly;
San Jose Avenue, west side, from Lakeview Avenue to 150 feet northerly;
San Jose Avenue, east side, from 50 feet north of the northern crosswalk at Mount Vernon Avenue to 260 feet southerly;
San Jose Avenue, west side, from Mount Vernon Avenue to 178 feet northerly; and,
McCoppin Street, south side, between Market Street and Elgin Park

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
McCoppin Street, north side, west of Valencia Street to terminus.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Fillmore Street, east side, at the O'Farrell Street intersection (36 foot zone accommodating 10 unmetered motorcycle parking spaces).

PARKING METER AREA 3 (9AM-6PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Parker Avenue, west side, from Geary Boulevard to 50 feet southerly (replaces existing green zone with two 30-minute meters).

PARKING METER AREA 4 - ESTABLISH
Stockton Street, east side, from North Point Street to 60 feet northerly (adds 3 meters).

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 8 AM - 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Hillway Avenue, east side, from Carl Street to the south property line of #40 Hillway Avenue (Parking and Traffic Department)

(1/26/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3133.)

ADOPTED

060134 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

ONE-WAY STREET (SOUTHBOUND) - RESCIND
Elgin Park, between McCoppin Street and Duboce Avenue

ONE-WAY STREET (EASTBOUND) - RESCIND
ONE-WAY STREET (WESTBOUND) - ESTABLISH
McCoppin Street, between Market Street and Elgin Park

BICYCLE LANES - ESTABLISH
McCoppin Street, north side, west of Valencia Street to terminus.

BICYCLE LANES - ESTABLISH
Laguna Honda Boulevard, both sides, between Portola Drive and Vasquez Avenue

LEFT TURN BIKE LANE - ESTABLISH
Laguna Honda Boulevard, southbound, between Ulloa Street and Portola Drive

BICYCLE LANES - EXTEND
Potrero Avenue, southbound, from 120 feet south of 25th Street to Cesar Chavez Street.

NO LEFT TURN, 4 PM TO 7 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Southbound Masonic Avenue at Grove Street.

NO LEFT TURN, 7 AM TO 9 AM, MONDAY THROUGH FRIDAY - ESTABLISH
Northbound Masonic Avenue at Grove Street (Parking and Traffic Department)

(1/26/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3133.)

ADOPTED

060248 **[Approve an agreement between SFPUC and SF Recycling and Disposal (SFR&D) for the installation and operation of a photovoltaic project to provide electricity to SFR&D's recycling facility at Pier 96]**
Supervisor Maxwell

Resolution authorizing the San Francisco Public Utilities Commission ("SFPUC") to enter into an agreement with San Francisco Recycling and Disposal ("SFR&D") for the installation and operation of a photovoltaic system and associated facilities to provide electricity to SFR&D's recycling facility at Pier 96.

ADOPTED

060258 **[Accept-Expend Equipment - Police Department]**
Supervisor Ma

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend telephone intercept equipment in the amount of $249,170 made available through the Technology Transfer Program, Office of National Drug Control Policy, Counterdrug Technology Assessment Center (ONDCP/CTAC).

ADOPTED

060273 **[Grant of Regional Funds - Municipal Transportation Agency]**
Supervisor Maxwell

Resolution authorizing the Municipal Transportation Agency to accept and expend $157,031 of Regional Measure 2 Operating Assistance funds.

ADOPTED

060296 **[Contract funds to participate in the HIV Prevention Trials Unit Protocol 039 study, Yr. 2]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to enter retroactively into an agreement with PHFE Management Solutions (PHFE), the primary contractor, and expend funds in the amount of $55,140 to participate in the HIV Prevention Trials Unit Protocol 039 study; for the period of July 1, 2005, to June 30, 2006. (Public Health Department)

ADOPTED

060324 **[Accept-Expend Federal Grant - MOCJ - $37,500]**
Supervisor Maxwell

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of $37,500 from the van Loben Sels/RembeRock Foundation for the purpose of exploring potential alternatives to the California Youth Authority/Division of Juvenile Justice for San Francisco youth.

ADOPTED

060132 **[STOP Intersections]**
Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
26th and Capp Streets, stopping 26th Street, making this intersection an All-Way STOP;
Vallejo and Baker Streets, stopping Vallejo Street, making this intersection an All-Way STOP;
Myra Way and Molimo Drive, stopping Molimo Drive at Myra Way, making this intersection an All-Way STOP;
Peabody Street and Visitacion Avenue, stopping Visitacion Avenue, making this intersection an All-Way STOP;
Westbound 25th Avenue North at 25th Avenue, making this T intersection an All-Way STOP;
Eastbound Seacliff Avenue at 25th Avenue, making this T-intersection an All-Way STOP;
Northbound 26th Avenue at Seacliff Avenue, making this T-intersection an All-Way STOP;
Murray Street at Crescent Avenue, stopping Murray Street, stopping the stem of this T-intersection;
Washburn Street, stopping Washburn Street at Howard Street;
Dore Street, stopping Dore Street at Folsom Street; and,
Grace Street, stopping Grace Street at Mission Street. (Parking and Traffic Department)

(1/26/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3133.)

ADOPTED

060167 [Parking Regulations]
Supervisor Dufty

Resolution enacting angle parking regulations on the east side of Castro Street, between 25th and Jersey Streets.

45-DEGREE ANGLE PARKING – ESTABLISH
Castro Street, east side, between 25th and Jersey Streets.

(Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

ADOPTED

060214 [Parking Regulations, Various Locations]
Supervisor Elsbernd

Resolution enacting and rescinding parking regulations at various locations.

TALL VEHICLE RESTRICTION, 100 FEET FROM INTERSECTIONS - ESTABLISH
Sloat Boulevard, south side, from the Lakeshore Plaza traffic signal to 20 feet west of the Everglade Drive intersection.

TOW-AWAY, NO STOPPING ANYTIME – ESTABLISH
Sloat Boulevard, south side, from Everglade Drive to 20 feet westerly.

(2/14/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

ADOPTED

Recommendation of the Land Use and Economic Development Committee

051841 [Haight Street Alcohol Restricted Use Subdistrict – Permissible bar use in movie theaters]
Supervisors Mirkarimi, Ammiano

Ordinance amending Planning Code Section 781.9 to allow a bar use in a movie theater under specified circumstances in the Haight Street Alcohol Restricted Use Subdistrict; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

FINALLY PASSED

Recommendations of the Rules Committee

051651 **[Protection of employee rights]**

Supervisors Mirkarimi, Ammiano, Peskin, Dufty, Ma, Maxwell, Daly, Sandoval, McGoldrick

Ordinance amending Section 11.55 of the Administrative Code to require franchise grantees to comply with provisions of federal law that prohibit discrimination against an employee based on an employee's decision to participate in employee organizations for the purpose of representation, and to require grantees to notify contractors and subcontractors that they must comply with these same provisions, and to prohibit discrimination against an employee, contractor or subcontractor for speaking before or filing a complaint with any government agency or court, and to ensure that company policies, handbooks, and directives are not construed to limit such activity by an employee.

FINALLY PASSED

060302 **[Settlement of Lawsuit - Iva Hetzel]**

Ordinance authorizing settlement of the lawsuit filed by Iva Hetzel against the City and County of San Francisco for $50,000; the lawsuit was filed on November 2, 2000 in San Francisco Superior Court, Case No. 434-793; entitled Iva Hetzel, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

060300 **[Settlement of Lawsuit - Maximilian Castro]**

Ordinance authorizing settlement of the lawsuit filed by Maximilian Castro against the City and County of San Francisco for $125,000; the lawsuit was filed on December 15, 2000 in San Francisco Superior Court, Case No. 317-475; entitled Maximilian Castro, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

060303 **[Settlement of Lawsuit - Gisselle Shepherd]**

Ordinance authorizing settlement of the lawsuit filed by Gisselle Shepherd against the City and County of San Francisco for $140,000; the lawsuit was filed on September 18, 2003 in San Francisco Superior Court, Case No. 424-524; entitled Gisselle Shepherd, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

060290 **[Settlement Agreement Regarding SACPA Audit]**

Resolution approving the Health Department's entering into a Settlement Agreement with the State of California resolving the State's claim for reimbursement by the City and County of funds provided by the State to the County under the SACPA program for fiscal year July 1, 2001 through June 30, 2002. (City Attorney)

ADOPTED

060376 **[Appointment - Commission on the Aging Advisory Council]**

Resolution appointing Catherine Rose Russo, term ending March 31, 2008, to the Commission on the Aging Advisory Council.

Catherine Rose Russo, term expiring March 31, 2006, seat 6, must be a nominee of District 7 Supervisor, for a two-year term ending March 31, 2008.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

060165 [To appropriate $1,127,000 in funding for San Francisco General Hospital capital projects]
Mayor

Ordinance appropriating $1,127,000 in San Francisco General Hospital (SFGH) revenue and appropriating $1,127,000 for the SFGH Rebuild Planning and Environmental Impact Report (EIR).

(Fiscal impact.)

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060225 [To appropriate $3,330,980 to fund cost overruns at the Police Department and violence prevention investments for Children, Youth and Their Families for Fiscal Year 2005-2006]
Supervisor Ma

Ordinance appropriating $3,330,980 to fund salary and fringe overruns and expanded services at the Police Department and violence prevention programming and investments in the Department of Children, Youth and Their Families for Fiscal Year 2005-2006. Sources of funds include $2,572,307 from the Unappropriated General Fund Balance and $758,673 from the Fiscal Year 2005-2006 Children's Baseline Growth. Uses of funds include $2,572,307 for the Police Department and $758,673 for the Department of Children, Youth and Their Families.

(Fiscal impact.)

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Budget and Finance Committee Without Recommendation

060252 **[To appropriate funding at the Department of Human Services for homeless services and to maintain and restore shelter bed capacity utilizing General Fund Reserves]**

Supervisors Daly, Mirkarimi, Ammiano

Ordinance appropriating $690,000 of General Fund for the Department of Human Services to fund homeless services and to maintain and restore shelter bed capacity for fiscal year 2005-06.

(Fiscal impact.)

Question appropriating the remaining balance of $463,318 to fund homesless services and to maintain and restore shelter bed capacity for fiscal year 2005-06 divided and considered separately under File No. 060465. Remainder ($226,682) approved and placed under Budget and Finance Committee reserve.

Supervisor Daly moved that this Ordinance be DIVIDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Ordinance appropriating $226,682 of General Fund for the Department of Human Services to fund homeless services and to maintain and restore shelter bed capacity for fiscal year 2005-06; placing $226,682 on Budget and Finance Committee reserve.

(Fiscal impact.)

PASSED ON FIRST READING AS DIVIDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060465 **[To appropriate funding at the Department of Human Services for homeless services and to maintain and restore shelter bed capacity utilizing General Fund Reserves]**

Ordinance appropriating $463,318 of General Fund for the Department of Human Services to fund homeless services and to maintain and restore shelter bed capacity for fiscal year 2005-06.

Divided from File 060252.

RE-REFERRED to the Budget and Finance Committee by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

051924 [Establishing Maximum Work Hours For General Assistance Programs]
Supervisors McGoldrick, Ammiano, Maxwell, Daly

Ordinance amending Chapter 20, Article VII, to add Section 20.58.6 to provide that the maximum number of hours the Department may require General Assistance recipients to work shall be calculated by dividing the Maximum Monthly Assistance Grant under Section 20.57 of this Chapter by the hourly wage rate established under Section 12P.3(b)(3) of the Administrative Code and by amending Chapter 20, Article VIII, Section 20.77.6 to provide that the maximum number of hours of activities the Department of Human Services may require of participants in the Personal Assisted Employment Service Program shall be the same as required of General Assistance recipients.

Supervisors Maxwell and Daly requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051954 [Amend the Definition of Properties Eligible to Apply for a Mills Act Contract]
Supervisor Alioto-Pier

Ordinance amending the Administrative Code by amending Section 71.2 by adding new subsections 71.2(b), (d), and (e) to expand the definition of "qualified historical properties" eligible to apply for a Mills Act contract; stating that subsections 71.2 (b), (d), and (e) shall not become effective until six months after the effective date of this Ordinance; requesting a report from the Planning Department regarding evaluation criteria for Mills Act Contracts; and making environmental findings.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
Excused: 1 - Peskin

060218 [Mission Bay - Pier 64 Cost Reimbursement Agreement]
Mayor, Supervisor Daly

Resolution approving the Cost Reimbursment Agreement between the City and County of San Francisco, and Atlantic Richfield Company, Texaco Inc., Chevron U.S.A. Inc. and Union Oil Company of California for the management of residual petroleum hydrocarbons on City Property in certain areas of Mission Bay.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060260 [San Francisco Community College District General Obligation Bonds]
Supervisor Peskin

Resolution authorizing the San Francisco Community College District to issue and sell on its own behalf its general obligation bonds approved by the voters at the November 2005 election without further action by this Board of Supervisors or any other officer of the City and County of San Francisco; ratifying certain actions previously taken; granting general authority to City and County of San Francisco officials to take necessary actions in connection with the issuance of the general obligation bonds by the San Francisco Community College District; providing for prior notice to the City and County of San Francisco for the anticipated sale and issuance of any future series of San Francisco Community College District bonds.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060355 [Multifamily Housing Revenue Bonds – 575 Eddy Street Apartments]
Supervisor Daly

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed $4,946,000 for the purpose of providing financing for a multifamily rental housing project; approving the form of and authorizing the execution of an indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; ratifying and approving any action heretofore taken in connection with the bonds and the project; granting general authority to city officials to take actions necessary to implement this resolution; and related matters.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060246 [Appropriating $15,000,000 of General Fund balance to support street resurfacing projects for the Department of Public Works for Fiscal Year 2005-06]
Supervisors Elsbernd, Peskin, Ammiano, Alioto-Pier, Ma

Ordinance appropriating $15,000,000 of General Fund balance to support street resurfacing projects for the Department of Public Works for Fiscal Year 2005-06.

(Fiscal impact.)
(Supervisors Mirkarimi and Daly dissented in committee.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

060253 [Appropriating $10,415,682 capital project funding at the Recreation and Parks department for the funding of Phase I projects with significant forecasted shortfalls]
Supervisors Peskin, Maxwell, Mirkarimi, Ammiano, Dufty, Elsbernd, Ma

Ordinance appropriating $10,415,682 of General Fund for the Recreation and Parks department to fund the following Phase I projects with significant forecasted shortfalls: Lincoln Park Master Plan for $176,459, Lincoln Playground for $321,367, Hamilton Playground, Recreation Center and Pool for $4,205,883, Junipera Serra Playground and Clubhouse for $247,042, Lake Merced Improvements for $257,336, Lake Merced – Overlook and Trail for $42,897, Midtown Terrace Playground for $444,361, Buena Vista Park Landscape Improvement for $745,913, Sunnyside Conservatory for $893,902, Rolph Playground & Clubhouse for $240,487, St. Mary's Playground for $494,085, Kelloch – Velasco Park for $482,211, Potrero Hill Playground for $406,443, Visitacion Valley Greenway (Racetrack) – Tioga Lot for $366,582, Joseph Lee Recreation Center $206,163 and Sava Pool for $884,550 for fiscal year 2005-06.

(Fiscal impact.)

Supervisor Daly, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Ordinance appropriating $10,415,682 of General Fund for the Recreation and Parks department to fund the following Phase I projects with significant forecasted shortfalls: Junipera Serra Playground and Clubhouse for $840,000, Lake Merced – Overlook and Trail for $145,860, Sunnyside Conservatory for $3,039,468, Rolph Playground & Clubhouse for $817,712, Kelloch – Velasco Park for $617,507, Visitacion Valley Greenway (Racetrack) – Tioga Lot for $1,246,463, Joseph Lee Recreation Center $701,000 and Sava Pool for $3,007,672 for fiscal year 2005-06.

(Fiscal impact.)

Supervisor Daly, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060311 [Appropriating $20,000,000 of General Fund balance for Affordable Housing Projects, Real Ownership Opportunities for Tenants, and Rental Subsidies for Fiscal Year 2005-06]
Supervisors Daly, Mirkarimi

Ordinance appropriating $20,000,000 of General Fund balance for Fiscal Year 2005-06, including $18,000,000 to the Mayor's Office of Housing for the acquisition, construction, and rehabilitation of affordable family housing, housing for seniors and persons with disabilities, and housing for persons who are currently homeless or who are at risk of being homeless; $1,000,000 to the Mayor's Office of Housing to fund the Real Ownership Opportunities for Tenants project and to establish criteria for the creation of the Real Ownership Opportunities for Tenants project; and $1,000,000 for the Human Services Agency to fund Family Rental Subsidies for Fiscal Year 2005-06.

(Fiscal impact.)

Supervisor Mirkarimi requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060410 [Appropriating $1,755,000 in funding for Primary Care capital projects for FY 2005-06]

Ordinance appropriating $1,755,000 in revenues, including $1,035,000 in unappropriated General Fund Balance, and $720,000 in Primary Care surplus and appropriating $1,755,000 for capital projects at Primary Care clinics for the Public Health Department for Fiscal Year 2005-06.

Fiscal Impact

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the City Operations and Neighborhood Services Committee

051669 [Prohibition on Smoking in Public Transit Stops and Shelters]
Supervisors Ma, Daly

Ordinance amending Section 1009.22 of the San Francisco Health Code, to prohibit smoking in public transit stops and shelters.

Supervisor Daly requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 2 - Elsbernd, Peskin

060088 [Temporary "Street Closure to Vehicular Traffic" on O'Farrell St. between Steiner and Fillmore]
Supervisor Mirkarimi

Resolution enacting temporary "Street Closure to Vehicular Traffic" regulation on O'Farrell Street between Steiner Street and Fillmore Street from 7 A.M. to 2 P.M. on every Saturday between April 29, 2006 and November 18, 2006.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Government Audit and Oversight Committee

051633 [Adopting the National Incident Management System]
Supervisor Ma

Resolution adopting the National Incident Management System.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Government Audit and Oversight Committee Without Recommendation

060065 **[Establishing the Film Rebate Program]**
Supervisor Alioto-Pier

Ordinance amending San Francisco Admistrative Code section 57.1 to make technical amendments; section 57.4 to designate the Executive Director of the San Francisco Film Commission as the sole liaison between film companies and City departments; section 57.7 to clarify the application of Chapter 57 to certain City departments; and adding section 57.8 to establish a Film Rebate Program to rebate qualified production costs for qualified film productions.

(Fiscal impact and Economic Impact)

Supervisors Alioto-Pier, seconded by Supervisor Maxwell, moved to amend on and on page 4, line 7, by renumbering "(2)" with "(4); and on page 5, line 11, by inserting" residency of employees".
Motion to amend carried without objection.

Supervisor Ammiano, seconded by Supervisors Dufty and Mirkarimi, called for the question.
Motion to call the question carried by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 2 - Daly, McGoldrick

Amended by reducing the cap to $1.8 million.

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 6 - Ammiano, Daly, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 5 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 2 - Daly, Peskin

Recommendation of the Land Use and Economic Development Committee

060188 **[Residential Hotels: Tenant Mail Receptacles]**
Supervisors Daly, Peskin, Mirkarimi

Ordinance amending the San Francisco Housing Code by amending Section 1002 and amending the San Francisco Administrative Code by adding Chapter 41E to require residential hotel owners to provide a United States Postal Service-approved mail receptacle for each residential unit and by amending Section 37.14 to provide for an appeal to the Rent Board for violation of this requirement; adopting findings pursuant to California Health and Safety Code Section 17958.5.

Supervisor Mirkarimi requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

SPECIAL ORDER 3:00 P.M.

060369 [Hearing - Formation of a community facilities district in connection with the Rincon Hill Downtown Residential District]

Hearing to consider the approval to accept public testimony regarding the potential recommendation of the formation of a community facilities district and the issuance of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations related to the Rincon Hill Downtown Residential District.

The President inquired as to whether or not any member of the public wished to address the Board members There were none.
The President declared the the public hearing closed.
HEARD AT PUBLIC HEARING.

060312 [Recommending approval of Community Facilities District formation and financing by the ABAG Finance Authority For Nonprofit Corporations]
Supervisor Daly

Resolution recommending approval of the formation of a community facilities district and the issuance of revenue bonds by the ABAG Finance Authority For Nonprofit Corporations related to the Rincon Hill Downtown Residential District; making findings; approving related joint community facilities agreement; and granting general authority to city officials to take actions necessary to implement this resolution.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

It was decided to to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests.

Supervisor Elsbernd welcomed, introduced, and presented a Certificate of Honor to Bruce Pettit.
Supervisor McGoldrick welcomed, introduced and presented a Certificate of Honor to Ruth Maginnis in recognition of her 23 years service with the City and County of San Francisco as a Librarian.

SPECIAL ORDER 4:00 P.M.

060240 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 229 32nd Avenue (aka 7070 California), Katherine Delmar Burke School Project]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated October 31, 2005 (Case No. 2005.0275E), exempting from environmental review under Categorical Exemption Class 14, [State Guidelines Section 15314] and Class 32, [State Guidelines, Section 15332 (a) through (e)], the Katherine Delmar Burke School Addition, located at 229-32nd Avenue (aka 7070 California), Block 1392, Lot 037. The proposed project entails construction of a two-story, 26.5-foot tall arts and science building containing six classrooms, and removal of a paved tennis court presently occupying the site. The new 9,569 sq.ft. infill academic building would add 16 percent capacity in the 3.32-acre campus' existing 60,407 sq.ft. of built space. The project site is rectangular in shape, consisting of approximately 7,200 sq.ft. or 0.165 acre in size. The project site, within the Katherine Delmar Burke School campus, is set back from El Camino del Mar to the north and is also bounded by Lincoln Park to the west and 32nd Avenue to the east. Located in the Sea Cliff neighborhood, the project site is within the RH-1 (D) Residential, House, One-Family (Detached Dwellings) District and a 40-X Height and Bulk District. The Project would require conditional Use authorization for modification to an existing Planned Unit Development (PUD) and authorization for expansion of an educational use. (Appellant: Lincoln Park Homeowners Association, represented by Diane K. Hanna, Attorney, Ellman Burke Hoffman & Johnson, a Professional Corporation.)

(Filed February 15, 2006; companion measure to Files 060241, 060242, 060243; District 1.)

The President inquired as to whether or not any member of the public wished to address the Board members.

Continued to April 25, 2006

Supervisor McGoldrick, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

060241 **[Affirming the categorical exemption issued for 229 32nd Avenue (Katherine Delmar Burke School) project]**

Motion affirming the determination by the Planning Department that the 229 32nd Avenue (Katherine Delmar Burke School) project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to April 25, 2006

Supervisor McGoldrick, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060242 **[Disapproving the categorical exemption issued for 229 32nd Avenue (Katherine Delmar Burke School) project]**

Motion disapproving the determination by the Planning Department that the 229 32nd Avenue (Katherine Delmar Burke School) project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to April 25, 2006

Supervisor McGoldrick, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060243 **[Preparation of findings related to the 229 32nd Avenue (Katherine Delmar Burke School) project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 229 32nd Avenue (Katherine Delmar Burke School) is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to April 25, 2006

Supervisor McGoldrick, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

060393 **[Prohibiting Smoking on Golf Courses]**

Supervisor McGoldrick

Ordinance amending Section 1009.81 of the Health Code to prohibit smoking on golf courses.

(Fiscal impact.)

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Ordinance be REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed, expressed concern with issues relating to homelessness
Female Speaker; expressed concern with issues relating to homelessness
James Chaffee; expressed concerned with issues relating to the SF Public Library
Male Speaker; expressed concerned with issues relating to concentration camps in China and people being killed for human organs
Abraham Thompson; expressed concerned about people killed for human organs
Eugene Gordon, Jr.; expressed concerned with issues relating to human rights
Linda Ackerman; expressed support for resolution in File 060416 regarding warrantless surveillance by President Bush
Waler; expressed in song t, Male Speaker; sang Moon River

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

060399 [Fee Waiver for Temporary Occupancy Permit of Hunger Strikers]
Supervisors Daly, Mirkarimi

Resolution commending the 23 individuals who participated in the week-long Hunger Strike against the "Border Protection, Anti-Terrorism, and Illegal Immigration Control Act," also known as HR 4437, for their commitment to protect the San Francisco's City of Refuge status, and urging the Department of Public Works to waive their Temporary Occupancy permit fees for the week of March 21st, 2006.

Supervisor Mirkarimi requested to be added as a co-sponsor.

ADOPTED

060400 [Commending Dr. Stanley Lipsitz on an outstanding career with the San Francisco Department of Public Health]
Supervisors Dufty, Maxwell

Resolution commending Dr. Stanley Lipsitz on an outstanding career with the San Francisco Department of Public Health and wishing him the best of luck in all of his future endeavors.

ADOPTED

060414 [Urging the United States Congress to restore food and funding to the Commodity Supplemental Food Program (CSFP) at the 2005 levels]
Supervisors Dufty, Ma, Daly

Resolution urging the United States Congress to restore food and funding to the Commodity Supplemental Food Program (CSFP) at the 2005 levels.

ADOPTED

060415 [Commending Pat and Sheila Brosnan on their contribution to the Irish community of the City and County of San Francisco]
Supervisor Elsbernd

Resolution commending Pat and Sheila Brosnan on their contribution to the Irish community of the City and County of San Francisco.

ADOPTED

060416 [Urging President Bush to stop the warrantless surveillance of Americans and to follow the Foreign Intelligence Surveillance Act]
Supervisors McGoldrick, Ammiano, Maxwell, Daly, Mirkarimi, Dufty, Peskin

Resolution urging President Bush to stop the warrantless surveillance of Americans and to follow the Foreign Intelligence Surveillance Act.

Supervisor Peskin requested to be added as a co-sponsor.
ADOPTED

060417 [Commending HICAP and Senior Action Network for assisting seniors and disabled]
Supervisors Mirkarimi, Daly

Resolution commending San Francisco Health Insurance Counseling and Advocacy Program (HICAP) and Senior Action Network for Assisting Seniors and the Disabled in Obtaining Health Care and Medication Benefits.

Supervisor Daly requested to be added as a co-sponsor.
ADOPTED

060418 [Urging San Francisco law enforcement agencies to disregard criminal provisions of proposed federal immigration legislation should they become law]
Supervisor Sandoval

Resolution urging San Francisco law enforcement agencies to disregard criminal provisions of proposed federal immigration legislation should they become law.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Without Reference to Committee Agenda

Supervisor Daly requested that this matter be severed so that it might be considered separately.

060398 **[Supporting Assembly Bill 777 - Tax Credits for Qualified Motion Pictures]**
Supervisor Alioto-Pier

Resolution supporting Assembly Bill 777 – California Tax Credits for Qualified Motion Pictures.

Continued to April 11, 2006

Supervisor Daly, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

060336 **[Contract between the Department of Public Health and Toyon Associates, Inc. to provide regulatory reporting and reimbursement and revenue optimization services]**

Resolution authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to contract between the City and County of San Francisco and Toyon Associates, Inc. to provide regulatory reporting and reimbursement and revenue optimization services for the period of April 1, 2006 through March 31, 2010. (Public Health Department)

3/22/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060337 **[Contract between the Department of Public Health and Health Advocates, LLC to provide uncompensated care recovery services]**

Resolution authorizing the Director of Public Health and the Purchaser to execute a contract between the City and County of San Francisco and Health Advocates, LLC to provide uncompensated care reimbursement recovery services. (Public Health Department)

3/22/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060338 **[Sale of Surplus Property]**

Resolution confirming the sale of surplus City-owned property (Lots 39 and 40 in Assessor's Block 1334) at public auction and authorizing the Director of Property to execute deeds to the successful bidders. (Real Estate Department)

3/22/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060401 **[Board review and approval of 2006 U.S. Department of Housing and Urban Development Continuum of Care Programs Application]**
Supervisors Daly, Dufty

Resolution approving the City and County of San Francisco 2006 grant application for the United States Department of Housing and Urban Development Continuum of Care Programs and fulfilling the San Francisco Board of Supervisors review and approval process for all annual or otherwise recurring grants of $5,000,000 or more. (Human Services Department)

3/27/06, RECEIVED AND ASSIGNED to Budget and Finance Committee. Department requests this item be scheduled for consideration at the April 12, 2006 meeting.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:09 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

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Tuesday, April 11, 2006 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin, Mirkarimi, Elsbernd	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano, Alioto-Pier, Dufty	1st and 3rd Monday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll Supervisor Alioto-Pier was noted absent.

There was a quorum.

Supervisor Alioto-Pier was excused from attending today's meeting.

Supervisor Alioto-Pier Excused From Attendance

Supervisor Daly, seconded by Supervisor Maxwell, moved to excuse Supervisor Alioto-Pier from attending today's meeting.. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

051924 **[Establishing Maximum Work Hours For General Assistance Programs]**
Supervisors McGoldrick, Ammiano, Maxwell, Daly

Ordinance amending Chapter 20, Article VII, to add Section 20.58.6 to provide that the maximum number of hours the Department may require General Assistance recipients to work shall be calculated by dividing the Maximum Monthly Assistance Grant under Section 20.57 of this Chapter by the hourly wage rate established under Section 12P.3(b)(3) of the Administrative Code and by amending Chapter 20, Article VIII, Section 20.77.6 to provide that the maximum number of hours of activities the Department of Human Services may require of participants in the Personal Assisted Employment Service Program shall be the same as required of General Assistance recipients.

FINALLY PASSED

060410 **[Appropriating $1,755,000 in funding for Primary Care capital projects for FY 2005-06]**

Ordinance appropriating $1,755,000 in revenues, including $1,035,000 in unappropriated General Fund Balance, and $720,000 in Primary Care surplus and appropriating $1,755,000 for capital projects at Primary Care clinics for the Public Health Department for Fiscal Year 2005-06.

Fiscal Impact

FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

060329 **[Accept-Expend Regional Grant - Department of the Environment]**

Supervisor Mirkarimi

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $200,000 from the Bay Area Air Quality Management District Transportation Fund to collaborate with the San Francisco Bike Coalition and the Metropolitan Transportation Commission on the development of a web-based point-to-point bicycle route planning tool called BikeInsight.

ADOPTED

Recommendation of the Land Use and Economic Development Committee

060188 **[Residential Hotels: Tenant Mail Receptacles]**

Supervisors Daly, Peskin, Mirkarimi, Ammiano

Ordinance amending the San Francisco Housing Code by amending Section 1002 and amending the San Francisco Administrative Code by adding Chapter 41E to require residential hotel owners to provide a United States Postal Service-approved mail receptacle for each residential unit and by amending Section 37.14 to provide for an appeal to the Rent Board for violation of this requirement; adopting findings pursuant to California Health and Safety Code Section 17958.5.

FINALLY PASSED

Recommendations of the Rules Committee

060300 **[Settlement of Lawsuit - Maximilian Castro]**

Ordinance authorizing settlement of the lawsuit filed by Maximilian Castro against the City and County of San Francisco for $125,000; the lawsuit was filed on December 15, 2000 in San Francisco Superior Court, Case No. 317-475; entitled Maximilian Castro, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

060303 **[Settlement of Lawsuit - Gisselle Shepherd]**

Ordinance authorizing settlement of the lawsuit filed by Gisselle Shepherd against the City and County of San Francisco for $140,000; the lawsuit was filed on September 18, 2003 in San Francisco Superior Court, Case No. 424-524; entitled Gisselle Shepherd, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

060402 **[Appointment - Graffiti Advisory Board]**

Resolution appointing Steven B. Taxman, for an indefinite term, to the Graffiti Advisory Board.

Steven B. Taxman, succeeding Mark Bruno, seat 13, resigned, non-voting member, must represent neighborhood organization, for an indefinite term.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Severed from the Consent Agenda

Supervisor Ma requested that this matter be severed so that it might be considered separately.

060311 **[Appropriating $20,000,000 of General Fund balance for Affordable Housing Projects, Real Ownership Opportunities for Tenants, and Rental Subsidies for Fiscal Year 2005-06]**

Supervisors Daly, Mirkarimi

Ordinance appropriating $20,000,000 of General Fund balance for Fiscal Year 2005-06, including $18,000,000 to the Mayor's Office of Housing for the acquisition, construction, and rehabilitation of affordable family housing, housing for seniors and persons with disabilities, and housing for persons who are currently homeless or who are at risk of being homeless; $1,000,000 to the Mayor's Office of Housing to fund the Real Ownership Opportunities for Tenants project and to establish criteria for the creation of the Real Ownership Opportunities for Tenants project; and $1,000,000 for the Human Services Agency to fund Family Rental Subsidies for Fiscal Year 2005-06.

(Fiscal impact.)

Supervisor Ma, seconded by Supervisor Elsbernd, moved to amend on line page 3, line 24 after "by tenuous living situations" by inserting "including, but not limited to, persons, displaced due to no-fault evictions such as Ellis Act or owner move-in evictions who are extreme low income."
Motion to amend failed by the following vote:
Ayes: 5 - Dufty, Elsbernd, Ma, Maxwell, Sandoval
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Alioto-Pier

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

060246 **[Appropriating $15,000,000 of General Fund balance to support street resurfacing projects for the Department of Public Works for Fiscal Year 2005-06]**
Supervisors Elsbernd, Peskin, Ammiano, Alioto-Pier, Ma

Ordinance appropriating $15,000,000 of General Fund balance to support street resurfacing projects for the Department of Public Works for Fiscal Year 2005-06.

(Fiscal impact.)
(Supervisors Mirkarimi and Daly dissented in committee.)

FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

060253 **[Appropriating $10,415,682 capital project funding at the Recreation and Parks department for the funding of Phase I projects with significant forecasted shortfalls]**
Supervisors Peskin, Maxwell, Mirkarimi, Ammiano, Dufty, Elsbernd, Ma

Ordinance appropriating $10,415,682 of Unappropriated General Fund for the Recreation and Parks department to fund the following Phase I projects with significant forecasted shortfalls: Junipera Serra Playground and Clubhouse for $840,000, Lake Merced – Overlook and Trail for $145,860, Sunnyside Conservatory for $3,039,468, Rolph Playground & Clubhouse for $817,712, Kelloch – Velasco Park for $617,507, Visitacion Valley Greenway (Raceway) – Tioga Lot for $1,246,463, Joseph Lee Recreation Center $701,000 and Sava Pool for $3,007,672 for fiscal year 2005-06.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Supervisor Peskin Excused From Voting

Supervisor Dufty, seconded by Supervisor Maxwell, moved to excuse Supervisor Peskin, at his request, because of possible conflict of interest, from voting.. The motion carried by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

051954 **[Amend the Definition of Properties Eligible to Apply for a Mills Act Contract]**
Supervisor Alioto-Pier

Ordinance amending the Administrative Code by amending Section 71.2 by adding new subsections 71.2(b), (d), and (e) to expand the definition of "qualified historical properties" eligible to apply for a Mills Act contract; stating that subsections 71.2 (b), (d), and (e) shall not become effective until six months after the effective date of this Ordinance; requesting a report from the Planning Department regarding evaluation criteria for Mills Act Contracts; and making environmental findings.

(Fiscal impact.)

FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
Excused: 2 - Alioto-Pier, Peskin

From the Budget and Finance Committee Without Recommendation

060252 **[To appropriate funding at the Department of Human Services for homeless services and to maintain and restore shelter bed capacity utilizing General Fund Reserves]**
Supervisors Daly, Mirkarimi, Ammiano

Ordinance appropriating $226,682 of General Fund for the Department of Human Services to fund homeless services and to maintain and restore shelter bed capacity for fiscal year 2005-06; placing $226,682 on Budget and Finance Committee reserve.

(Fiscal impact.)

FINALLY PASSED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Recommendation of the City Operations and Neighborhood Services Committee

051669 **[Prohibition on Smoking in Public Transit Stops and Shelters]**
Supervisors Ma, Daly, Ammiano

Ordinance amending Section 1009.22 of the San Francisco Health Code, to prohibit smoking in public transit stops and shelters.

FINALLY PASSED by the following vote:
Ayes: 7 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi
Noes: 3 - Elsbernd, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Recommendation of the Government Audit and Oversight Committee

060065 [Establishing the Film Rebate Program]
Supervisor Alioto-Pier

Ordinance amending San Francisco Admistrative Code section 57.1 to make technical amendments; section 57.4 to designate the Executive Director of the San Francisco Film Commission as the sole liaison between film companies and City departments; section 57.7 to clarify the application of Chapter 57 to certain City departments; and adding section 57.8 to establish a Film Rebate Program to rebate qualified production costs for qualified film productions.

(Fiscal impact and Economic Impact)

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 2 - Daly, Peskin
Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

060166 **[First Source Hiring Ordinance - Expanding the Chapter to apply to contract modifications; increasing FSHA reporting requirements, liquidated damages, and penalty sections; amending administrative review process, including review by OLSE]**
Supervisors Mirkarimi, Ammiano

Ordinance amending the San Francisco Administrative Code by amending sections 83.2, 83.4, 83.6, 83.7, 83.9, 83.10, 83.11, 83.12, and 83.18 of the First Source Hiring Program to: 1) correct erroneous grammar and subsection references; 2) change "Department of Human Services (DHS)" to "Human Services Agency (HSA);" 3) define OLSE; 4) include the OLSE in making the final administrative determination regarding compliance with this Chapter; 5) include contract modifications under the definition of contracts; 6) increase reporting requirements by the FSHA to include data reflecting the length of time qualified individuals remain employed under this Chapter; 7) increase liquidated damages from up to $2,070.00 to up to $5,000.00 against contractors for initial violations of this Chapter, add provision of liquidated damages of up to $10,000.00 against contractors for each violation discovered during second investigation by FSHA and to provide for administrative review; and 8) increase penalties against permittees and contractors engaged in non-City work performed in San Francisco from up to $2,070.00 to up to $5,000.00 who fail to comply with this Chapter and to provide for administrative review.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060309 **[Extending Early Retirement Program]**
Mayor

Resolution extending Early Retirement Program for and through fiscal years 2006-07.

(Fiscal impact.) (Supervisors Peskin and Elsbernd dissented in Committee.)

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060394 [Appropriating $660,000 to the Department of Children, Youth and Their Families to support the John Swett Alternative School in Department Fiscal Year 2005-06]
Supervisors Mirkarimi, Daly

Ordinance appropriating $660,000 of Unappropriated General Fund to maintain operations of the John Swett Alternative School through the Department of Children, Youth and Their Families for Fiscal Year 2005-06.

(Fiscal impact.)(Supervisor Elsbernd dissented in committee)

Supervisor Sandoval, seconded by Supervisor Elsbernd, moved to suspend the Board of Supervisors Rules of Order No. 4.28 to allow the privilege of the floor to officers of the City and County.

Motion to suspend the Board of Supervisor Rules of Order No. 4.28 failed by the following vote:
Ayes: 3 - Elsbernd, McGoldrick, Sandoval
Noes: 7 - Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin
Excused: 1 - Alioto-Pier

Supervisor Sandoval withdrew his motion to continue this matter to later in the meeting.

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Ordinance appropriating $330,000 of Unappropriated General Fund and $330,000 of Children's Baseline Reserve to maintain operations of the John Swett Alternative School through the Department of Children, Youth and Their Families for Fiscal Year 2005-06.

(Fiscal impact.)(Supervisor Elsbernd dissenting in committee)

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd
Excused: 1 - Alioto-Pier

060263 [Public Education Enrichment Fund]
Supervisors Mirkarimi, Daly, Ammiano

Resolution approving the San Francisco First Five Commission expenditure plan or the Public Education Enrichment Fund for fiscal year 2006-07.

Supervisor Ammiano requested to be added as a co-sponsor.

ADOPTED by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Elsbernd
Excused: 1 - Alioto-Pier

060341 [Appropriating $250,000 to the General Services Agency, Administrative Services, Grants for the Arts for Fiscal Year 2005-2006]

Supervisor Ma

Ordinance appropriating $250,000 of Unappropriated General Fund Revenue to the General Services Agency, Administrative Services, Grants for the Arts for Fiscal Year 2005-2006; and reserving the appropriation for the Grants for the Arts.

(Fiscal impact.)

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Ordinance appropriating $250,000 of Unappropriated General Fund Revenue to the Arts Commission, Cultural Equity Endowment Grants for Fiscal Year 2005-2006; and reserving the appropriation pending receipt of additional information from the Arts Commission.

(Fiscal impact.)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Recommendations of the City Operations and Neighborhood Services Committee

051985 [Deletion of a street flower market location on Market Street at Fifth Street]

Ordinance amending Public Works Code Article 5, Section 155 to delete the street flower market location on the south side of Market Street within 100 feet of the west line of 5th Street. (Public Works Department)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060255 [Accepting a gift to the Recreation and Park Department of synthetic turf athletic fields valued at approximately $4.5 million from the City Fields Foundation]

Supervisors Ammiano, Alioto-Pier, Maxwell, Ma, Dufty

Ordinance accepting a gift to the Recreation and Park Department (RPD) of synthetic turf athletic fields at Garfield Square and Silver Terrace Playground and a maintenance contract for those fields, valued at approximately $4.5 million, from the City Fields Foundation (Foundation); approving an agreement between RPD and the Foundation which specifies how RPD and the Foundation will work together to implement the gift; and authorizing the RPD General Manager to accept future donations of Turf fields from the Foundation; and requiring the RPD General Manager to submit an annual report to the Board that describes actions taken in furtherance of the agreement.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Supervisor Peskin welcomed, introduced and presented a Certificate of Honor to Pappa Johnny founder of Cafe Treiste in celebration of the 50th Anniversary of Cafe Treiste.

Supervisor Peskin welcomed, introduced and presented a Certificate of Honor to the Daughters of Charity of St. Vincent De Paul Province of the West in recognition of celebrating 150 years of service in California and in gratitude for their works during the 1906 Earthquake.

Supervisor Bevan Dufty welcomed, introduced and presented to Officer Lisa Farrell on behalf of Sensei Keiko Fukuda.

SPECIAL ORDER 4:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

060425 **[Hearing to discuss the findings of the report, "An Overview of San Francisco's Recent Economic Performance"]**

Hearing to discuss the findings of the report, "An Overview of San Francisco's Recent Economic Performance." (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board members.
Jessie Blount, Director of Economic Development
Dr. Ted Egan, Consultant
The President declared the hearing closed.
HEARD AT PUBLIC HEARING.

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Richard Low; Chinese Community Health Plan; expressed support for Item 42 relating to the Brown and Toland Medical Group and the Chinese Hospital
Dr. Richard Loos; expressed support for Item 42 relating to the Brown and Toland Medical Group and the Chinese Hospital
Dr. Tina Kwan; expressed support for Item 42 relating to the Brown and Toland Medical Group and the Chinese Hospital
Cynthia Yee; expressed support for Item 42 relating to the Brown and Toland Medical Group and the Chinese Hospital
Dr. Joseph Woo; expressed support for Item 42 relating to the Brown and Toland Medical Group and the Chinese Hospital
Rachel Shu; expressed support for Item 42 relating to the Brown and Toland Medical Group and the Chinese Hospital
Dr. R.C. Lowe; expressed support for Item 42 relating to the Brown and Toland Medical Group and the Chinese Hospital
Brenda Yee; expressed support for Item 42 relating to the Brown and Toland Medical Group and the Chinese Hospital
Dr. Pearl Yee; expressed support for Item 42 relating to the Brown and Toland Medical Group and the Chinese Hospital
Vincent Pan; expressed support for Item 42 relating to the Brown and Toland Medical Group and the Chinese Hospital
Dr. Stan Padilla, Brown and Toland representative; expressed opposition to Item 42 relating to the Brown and Toland Medical Group and the Chinese Hospital issues
Megaheed Abdullah; expressed concern with the Immigration legislation
James Chaffee; expressed concern with issues relating to the SF Library
Walter; showed interest with the 1906 Earthquake celebrations
Carlos Rios; expressed concern with SFWFI Network selection of Earthlink as provider
John da dionna; expressed concern of deaths of African American children
Eugene Gordon Jr.; expressed concern with human rights issues
Male speaker; expressed concern with the treatment of Falun Gung practitioners
Kimo Crossman; expressed concern with the SFWFI Network selection of Earthlink as providers
John Bardis; expressed concern with the Better Neighborhood legislation
Male speaker, SEIU; expressed support for Item 42 relating to the Brown and Toland Medical Group and the Chinese Hospital Local
Patricia Hewitt; expressed support for Item 42 relating to the Brown and Toland Medical Group and the Chinese Hospital

Pulbic Comment was closed until later in the Board meeting.

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved to reopen Public Comment. Motion passed without objection.

SEIU distributed thousands of eggs in easter baskets with employee suggestions to the members of the Board.

Richard Rothman, SEIU representative expressed issues relating to the 2006-07 collective bargaining negotiations
Larry; SEIU representative expressed issues relating to collective bargaining negotiations
Harry Baker; SEIU representative expressed issues relating collective bargaining negotiations, retirement issues
Cindy Pun; SEIU representative expressed issues relating collective bargaining negotiations
Robert Hawland; SEIU representative expressed issues relating collective bargaining negotiations
Female speaker; SEIU representative expressed issues relating collective bargaining negotiations
Debra Johnson; expressed concern with general issues
Ron Davis; SEIU representative expressed issues relating to collective bargaining negotiations
Sherry Zen, SFGH radiology; expressed issues relating to collective bargaining negotiations and contracting out of services
Male speaker, SEIU representative; expressed issues relating to collective bargaining negotiations
Roger Borelli; SEIU representative; expressed issues relating to collective bargaining negotiations
Dominic Garrett; Parking Traffic Officer; expressed issues relating to collective bargaining negotiations
Patrick Quinn, Member of SEIU; expressed to the Board that is the City employees that administer services to the public
Margo Reed; SEIU representative expressed issues relating to collective bargaining negotiations and contracting out of services
United Health Careworkers representative expressed concern of the decreasing number of porters in the hospitals
Ms. Yen, DPW worker; expressed concern with as the needed employees not getting benefits
Ellie Bookman; SFGH worker first respondent to the public and better staffing
Tracey Griffin, SEIU member and Laguna Honda Hospital employee; appropriate staffing
Larry Griffin, Child Services; SEIU representative expressed issues relating collective bargaining negotiations
Betty Williams, City Employee; SEIU representative expressed issues relating collective bargaining negotiations
Lawanda Preston; SEIU representative expressed issues relating collective bargaining negotiations

Supervisor Sandoval and McGoldrick were noted absent at 4:50 p.m.

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

060429 [Legislative Analyst Request - Youth MUNI passes]
Supervisor McGoldrick

Motion requesting the Legislative Analyst to research, analyze, and gather data on the following issue(s): (1) What kind of discounts do the public transit systems (both national and international) give to youth between the ages of 18 to 24? How has that impacted the number of youth that ride on the public transportation system? Has that led to an increase/decrease in youth riders? (2) What are the various kinds of discounts given to students nationally and internationally? (3) What is the usual cut off age for what is defined youth in the public transportation system for San Francisco?

APPROVED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060430 [Legislative Analyst Request - Street space permits]
Supervisor Elsbernd

Motion requesting the Legislative Analyst to research, analyze, and gather data on the street space permits in order to determine if permits are legally posted.

APPROVED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

CLOSED SESSION

CONFERENCE WITH CITY LABOR NEGOTIATORS

060288 [Closed Session - Conference with City's Labor Negotiators (Collective Bargaining)]
Motion that the Board of Supervisors convene in closed session with the City's Labor Relations Negotiators, the Mayor and the Director of Human Resources, for the purpose of reviewing the City's positions in pending labor negotiations with organizations representing the City employee groups.

This closed session is permitted by Government Code Section 54957.6, and San Francisco Administrative Code Section 67.8.

Continued to April 18, 2006
Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

060447 **[Calling for the Board of Supervisors to sit as a Committee of the Whole on April 11, 2006, at 4:00pm to consider findings of recent economic report]**
Supervisor Alioto-Pier

Motion calling for the Board of Supervisors to sit as a committee of the whole on April 11, 2006, at 4:00pm to hear and discuss the findings of the report, "An Overview of San Francisco's Recent Economic Performance."

APPROVED

060442 **[Peak Oil Plan of Response and Preparation]**
Supervisors Mirkarimi, McGoldrick, Maxwell, Daly

Resolution acknowledging the challenge of Peak Oil and the need for San Francisco to prepare a plan of response and preparation.

Supervisor Daly requested to be added as a co-sponsor.
ADOPTED

060448 **[Accept-Expend Federal Grant Funds - Recreation and Park Department]**
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a Clean Vessel Act Grant administered by the California Department of Boating and Waterways in the amount of $35,000 for the installation of a boat pumpout and dump station combination in the San Francisco Small Craft Harbor.

ADOPTED

060449 **[Commending the Peninsula Humane Society and its new auxiliary organization, the San Francisco Bay Humane Friends for providing free sterilization of pit bulls and mixed pit bulls dogs in San Francisco]**
Supervisor Dufty

Resolution commending the Peninsula Humane Society and its new auxiliary organization, the San Francisco Bay Humane Friends for providing free sterilization of pit bulls and mixed pit bulls dogs in San Francisco.

ADOPTED

060450 **[Commending Gail Wilson and City Swing]**
Supervisors Dufty, Ammiano

Resolution commending Gail Wilson and City Swing for over two decades of entertainment and commitment to the LGBT community.

ADOPTED

060451 **[Grant to support the Integrated Nurse Leadership Program at the San Francisco Department of Public Health, Laguna Honda Hospital and Rehabilitation Center]**
Supervisor Elsbernd

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to retroactively accept and expend a grant in the amount of $75,000 from the Gordon and Betty Moore Foundation through the Regents of the University of California to support the Integrated Nurse Leadership Program, and to enter into an agreement for the use of these funds; for the period of March 1, 2005 to May 31, 2006.

ADOPTED

060452 **[Supporting H.R. 4423 Ethiopia Consolidation Act]**
Supervisor Ma

Resolution supporting the Ethiopia Consolidation Act of 2005 (H.R. 4423)

ADOPTED

060453 **[Accept-Expend Federal Grant - Strategic Planning for Childhood Nutrition and Physical Activity Task Force Recommendations]**
Supervisor Maxwell

Resolution authorizing the Department of Children, Youth and Their Families to accept and expend a grant in the amount of $24,993 from the California Endowment to conduct Strategic Planning for the Childhood Nutrition and Physical Activity Task Force.

ADOPTED

060454 **[Accept-Expend Federal Grant - 2006 Mayor's Summer Food Service Program and Afterschool Snack Program]**
Supervisor Maxwell

Resolution authorizing the Department of Children, Youth and Their Families to accept and expend a grant in the amount of $853,665 from the United States Department of Agriculture for the 2006 Mayor's Summer Food Service Program and the Afterschool Snack Program.

ADOPTED

060455 **[Supporting AB 2873 - Transportation Development Act Funds]**
Supervisor McGoldrick

Resolution urging the California State Legislature to support Assembly Bill 2873 (Wolk) authorizing local jurisdictions to double the current quarter percent sales tax dedicated to local transit and to maintain local streets and roads in rural counties.

ADOPTED

060456 **[Supporting the strengthening of the City's ability to eradicate criminal and public nuisance activity caused by criminal street gangs in our community]**
Supervisors Mirkarimi, Maxwell, Alioto-Pier, Ammiano, Daly

Resolution supporting the strengthening of the City's ability to eradicate criminal and public nuisance activity caused by criminal street gangs in our community.

Supervisor Daly requested to be added as a co-sponsor.
ADOPTED

060457 **[Supporting AB 2573 regarding solar power in San Francisco]**
Supervisor Mirkarimi

Resolution urging the State Legislature to pass Assembly Bill 2573 regarding solar power in San Francisco.
ADOPTED

060458 **[Proclaiming May 5, 2006, as Asian Pacific Islander Resources Network (APIFRN) Day in San Francisco]**
Supervisor Peskin

Resolution proclaiming May 5, 2006, as Asian Pacific Islander Resources Network (APIFRN) Day in San Francisco.
ADOPTED

060411 **[Final Map for a 16 Unit Residential Condominium Project - 1725 Washington Street]**
Motion approving Final Map of 1725 Washington Street, A Residential Condominium Project, being a subdivision of Lot 15 in Assessor's Block No. 619, and adopting findings pursuant to Planning Code Section 101.1.

(DPW Order NO. 175,956; District 3.)
APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Severed from the Without Reference to Committee Agenda

Supervisor Daly requested that this matter be severed so that it might be considered separately.

060398 **[Supporting Assembly Bill 777 - Tax Credits for Qualified Motion Pictures]**
Supervisor Alioto-Pier

Resolution supporting Assembly Bill 777 – California Tax Credits for Qualified Motion Pictures.

Motion to suspend the Board of Supervisor Rules of Order No. 2.11 carried without objection.
ADOPTED by the following vote:
Ayes: 7 - Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 3 - Ammiano, Daly, Peskin
Excused: 1 - Alioto-Pier

Supervisor Peskin requested that this matter be severed so that it might be considered separately.

060459 **[Brown and Toland Medical Group]**

Supervisors Peskin, Mirkarimi, Ma

Resolution urging Brown and Toland to cease requiring exclusivity of physicians to participate in the Brown and Toland Preferred Network, in violation of the policy of the City and County of San Francisco and the state and federal and which is affecting the well being of the Chinese Community in San Francisco.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Supervisors Mirkarimi and Ma requested to be added as co-sponsors.

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

060203 **[Tunnel Avenue Weight Restrictions]**

Ordinance amending Section 28.2 of the San Francisco Traffic Code to extend restrictions on certain vehicles over 18,000 pounds for two blocks of Tunnel Avenue south of Blanken Avenue. (Parking and Traffic Department)

3/31/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

4/6/06, REFERRED TO DEPARTMENT. Referred to Parking and Traffic for environmental impact determination.

060463 **[Settlement of Lawsuits - Pacific Gas and Electric Company and Television Signal Corp.]**

Ordinance authorizing settlement of three lawsuits filed by Pacific Gas and Electric Company and Television Signal Corp. against the City and County of San Francisco for a total of $1,156,164.00. Pacific Gas and Electric Co v. City and County of San Francisco was filed April 30, 1999, in the United States District Court, Case No. C99-2071 VRW. Television Signal Corp. v. City and County of San Francisco was filed June 29, 2000, in United States District Court, Case No. C00-2311 VRW. Pacific Gas and Electric Co. v. City and County of San Francisco was filed July 21, 2005 in San Francisco Superior Court, Case No. 443-277. The lawsuit entitled Television Signal Corp v. City and County, Case No. C00-2311 VRW, is settled without any payment. (City Attorney)

4/4/06, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

060204 **[Airport ITT Network Operations Center and ITT Helpdesk Coverage - FY 2006-07 Proposition J]**

Resolution approving the Controller's certification that Airport ITT Network and Operations Center and ITT Helpdesk Coverage for FY 2006-2007 can be practically performed by a private contractor at a lower cost than if work were performed by city employees at budgeted levels. (Airport Commission)

3/30/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060409 **[Apply For-Accept-Expend Federal Funding - Community Development Block Grant]**
Mayor

Resolution approving the 2006/07 Community Development Block Grant (CDBG) Program; authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's 2006/07 Community Development Block Grant from the U.S. Department of Housing and Urban Development (HUD) together with Program Income, totaling $25,151,655; and approving an Expenditure Schedule.

4/3/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060413 **[Apply For-Accept-Expend Federal Funding - Emergency Shelter Grants Program]**
Mayor

Resolution approving the 2006/07 Emergency Shelter Grant (ESG) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's 2006/07 Emergency Shelter Grant entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $928,391; and approving the expenditure schedule for recipient agencies.

4/3/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060419 **[Apply For-Accept-Expend Federal Funding - HOME Program]**
Mayor

Resolution approving the 2006/07 HOME Investment Partnership (HOME) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's 2006/07 HOME Program entitlement from the U.S. Department of Housing and Urban Development (HUD) and Reprogrammed Funds, totaling $15,016,335; and approving the HOME Program Description as described in the 2006 Action Plan for San Francisco's Consolidated Plan.

4/3/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:24 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, April 18, 2006 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton DB. Goodlett Place
San Francisco, CAB 94102-4689

Regular Meeting

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AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin, Mirkarimi, Elsbernd	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano, Alioto-Pier, Dufty	1st and 3rd Monday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll Supervisors Alioto-Pier and McGoldrick were noted absent.

There was a quorum.

Alioto-Pier and McGoldrick were excused from attending today's meeting.

Supervisor Alioto-Pier Excused from Attendance

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved to excuse Supervisor Alioto-Pier from attending today's meeting. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

Supervisor McGoldrick Excused From Attendance

Supervisor Maxwell, seconded by Supervisor Dufty, moved to excuse Supervisor McGoldrick from attending today's meeting. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Maxwell, moved to approve Board Meeting Minutes for March 21, 2006 and Special Board Meeting Minutes for the Budget and Finance Committee Meeting of March 22 ,2006. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

051985 **[Deletion of a street flower market location on Market Street at Fifth Street]**

Ordinance amending Public Works Code Article 5, Section 155 to delete the street flower market location on the south side of Market Street within 100 feet of the west line of 5th Street. (Public Works Department)

FINALLY PASSED

060255 **[Accepting a gift to the Recreation and Park Department of synthetic turf athletic fields valued at approximately $4.5 million from the City Fields Foundation]**

Supervisors Ammiano, Alioto-Pier, Maxwell, Ma, Dufty

Ordinance accepting a gift to the Recreation and Park Department (RPD) of synthetic turf athletic fields at Garfield Square and Silver Terrace Playground and a maintenance contract for those fields, valued at approximately $4.5 million, from the City Fields Foundation (Foundation); approving an agreement between RPD and the Foundation which specifies how RPD and the Foundation will work together to implement the gift; and authorizing the RPD General Manager to accept future donations of Turf fields from the Foundation; and requiring the RPD General Manager to submit an annual report to the Board that describes actions taken in furtherance of the agreement.

FINALLY PASSED

Recommendations of the Rules Committee

060332 **[Settlement of Lawsuit - Mirvat Harb]**

Ordinance authorizing settlement of the lawsuit filed by Mirvat Harb against the City and County of San Francisco for $200,000; the lawsuit was filed on December 23, 2004 in San Francisco Superior Court, Case No. 437-254; entitled Mirvat Harb, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

060335 **[Settlement of Lawsuit - Reliant Energy, Inc.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, on behalf of the People of California, against Reliant Energy, Inc. and other Reliant Companies; the lawsuit entitled People v. Dynegy, et al. was filed on January 18, 2001, and has been coordinated as Wholesale Electricity Antitrust Cases I & II in the Superior Court of the State of California for the County of San Diego, JCCP Nos. 4204 and 4205; the settlement provides $666,666.66 to San Francisco and $430 million in benefits to California electric ratepayers, among other provisions. (City Attorney)

PASSED, ON FIRST READING

060034 **[Expanding the Western SoMa Citizens Planning Task Force]**

Supervisor Daly

Resolution expanding the Western SoMa Citizens Planning Task Force and re-defining the Task Force's quorum.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

060253 **[Appropriating $10,415,682 capital project funding at the Recreation and Parks department for the funding of Phase I projects with significant forecasted shortfalls]**

Supervisors Peskin, Maxwell, Mirkarimi, Ammiano, Dufty, Elsbernd, Ma

Ordinance appropriating $10,415,682 of Unappropriated General Fund for the Recreation and Parks department to fund the following Phase I projects with significant forecasted shortfalls: Junipera Serra Playground and Clubhouse for $840,000, Lake Merced – Overlook and Trail for $145,860, Sunnyside Conservatory for $3,039,468, Rolph Playground & Clubhouse for $817,712, Kelloch – Velasco Park for $617,507, Visitacion Valley Greenway (Raceway) – Tioga Lot for $1,246,463, Joseph Lee Recreation Center $701,000 and Sava Pool for $3,007,672 for fiscal year 2005-06.

(Fiscal impact.)

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

060394 **[Appropriating $660,000 to the Department of Children, Youth and Their Families to support the John Swett Alternative School in Department Fiscal Year 2005-06]**

Supervisors Mirkarimi, Daly, Ammiano

Ordinance appropriating $330,000 of Unappropriated General Fund and $330,000 of Children's Baseline Reserve to maintain operations of the John Swett Alternative School through the Department of Children, Youth and Their Families for Fiscal Year 2005-06.

(Fiscal impact.)(Supervisor Elsbernd dissenting in committee)

Supervisor Ammiano requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd
Excused: 2 - Alioto-Pier, McGoldrick

060341 [Appropriating $250,000 to the General Services Agency, Administrative Services, Grants for the Arts for Fiscal Year 2005-2006]
Supervisor Ma

Ordinance appropriating $250,000 of Unappropriated General Fund Revenue to the Arts Commission, Cultural Equity Endowment Grants for Fiscal Year 2005-2006; and reserving the appropriation pending receipt of additional information from the Arts Commission.

(Fiscal impact.)

FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

060166 [First Source Hiring Ordinance - Expanding the Chapter to apply to contract modifications; increasing FSHA reporting requirements, liquidated damages, and penalty sections; amending administrative review process, including review by OLSE]
Supervisors Mirkarimi, Ammiano

Ordinance amending the San Francisco Administrative Code by amending sections 83.2, 83.4, 83.6, 83.7, 83.9, 83.10, 83.11, 83.12, and 83.18 of the First Source Hiring Program to: 1) correct erroneous grammar and subsection references; 2) change "Department of Human Services (DHS)" to "Human Services Agency (HSA);" 3) define OLSE; 4) include the OLSE in making the final administrative determination regarding compliance with this Chapter; 5) include contract modifications under the definition of contracts; 6) increase reporting requirements by the FSHA to include data reflecting the length of time qualified individuals remain employed under this Chapter; 7) increase liquidated damages from up to $2,070.00 to up to $5,000.00 against contractors for initial violations of this Chapter, add provision of liquidated damages of up to $10,000.00 against contractors for each violation discovered during second investigation by FSHA and to provide for administrative review; and 8) increase penalties against permittees and contractors engaged in non-City work performed in San Francisco from up to $2,070.00 to up to $5,000.00 who fail to comply with this Chapter and to provide for administrative review.

FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

NEW BUSINESS

Recommendations of the Budget and Finance Committee

051917 [Amending Community Court Program Administrative Fee]
Supervisor Daly

Ordinance amending Administrative Code Section 10.183 to authorize the District Attorney to collect Administrative Fees from persons who are determined by the District Attorney to be eligible for the community courts program.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

060412 [Appropriating $6,371,327 to fund violence prevention programs in communities disproportionately impacted by violence at various departments for Fiscal Year 2005-2006]
Supervisors Ma, Daly, Mirkarimi

Ordinance appropriating $6,371,327 to fund violence prevention programming and investments in the Department of Children, Youth and Their Families, Public Defender, Juvenile Probation, Mayor's Office of Economic and Workforce Development, Mayor's Office of Criminal Justice, Mayor's Office of Community Development, Sheriff's Department, and Department on the Status of Women. Sources of funds include $4,200,000 from the Unappropriated General Fund Balance, $991,327 from the Fiscal Year 2005-2006 Children's Baseline Growth, $1,180,000 from the Fiscal Year 2004-2005 Children's Baseline Reserve. Uses of funds includes $1,731,327 for Children, Youth and Their Families, $200,000 for the Public Defender, $1,390,000 for the Juvenile Probation Department, $1,300,000 for the Mayor's Office of Economic and Workforce Development, $100,000 for the Mayor's Office of Criminal Justice, $450,000 for the Mayor's Office of Community Development, $400,000 for the Sheriff's Department, and $800,000 for the Department on the Status of Women; and reserving $931,327 appropriated to the Department of Children, Youth and their Families for community outreach and street level intervention and $1,300,000 appropriated to the Mayor's Office of Economic and Workforce Development.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

060209 [2006 Annual Fundraising Drive]

Resolution designating those agencies qualified to participate in the 2006 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco.

ADOPTED by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

060365 [Proposition J Certification, Bad Checks Restitution Program Services]
Supervisor Dufty

Resolution concurring with the Controller's certification that the Bad Checks Restitution Program can be practically performed by a private contractor for a lower cost than similar services performed by city and county employees.

(Supervisors Daly and Mirkarimi dissented in committee.)

Supervisor Dufty, seconded by Supervisor Ammiano, moved that this Resolution be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

060397 [Adopting Board of Supervisors' 2006 Budget Policy Priorities]
Supervisor Daly

Resolution adopting the San Francisco Board of Supervisors' 2006 Budget Policy Priorities.

Amended on page 2, line 6, after "uninsured San Franciscans" by inserting "most vulnerable in our community: low-income youth and seniors, the working poor, immigrants, and persons with mental illness and substance abuse issues" and further amended on page 4, line 17, by inserting "expand hours of recreational centers".

Supervisor Ma, seconded by Supervisor Daly, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

ADOPTED AS AMENDED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

060401 [Board review and approval of 2006 U.S. Department of Housing and Urban Development Continuum of Care Programs Application]
Supervisor Dufty

Resolution approving the City and County of San Francisco 2006 grant application for the United States Department of Housing and Urban Development Continuum of Care Programs and fulfilling the San Francisco Board of Supervisors review and approval process for all annual or otherwise recurring grants of $5,000,000 or more. (Human Services Department)

ADOPTED.

From the Government Audit and Oversight Committee Without Recommendation

051724 [Personal Services Minimum Contractual Rate Ordinance]
Supervisor Daly

Ordinance amending the San Francisco Administrative Code by adding Chapter 12V, Sections 12V.1 through 12V.5, to: require entities that contract for personal services to compensate the providers of those services at a rate per hour of no less than the City's Minimum Wage rate and maintain records, designate the City's Office of Labor Standards Enforcement as the enforcement agency, and establish investigation, enforcement and administrative appeals procedures.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved to rerefer this matter to the Budget & Finance Committee.

Motion to rerefer this matter failed by the following vote:
Ayes: 4 - Dufty, Elsbernd, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, Ma, Mirkarimi, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Sandoval
Noes: 1 - Peskin
Excused: 2 - Alioto-Pier, McGoldrick

Recommendation of the Land Use and Economic Development Committee

051964 **[Urging Planning Commission to Update Transportation Analyses under CEQA]**
Supervisor Mirkarimi

Resolution urging the Planning Commission to set policy directing the Environmental Review Officer to modify local environmental review criteria to assess transportation impacts more accurately in conformance with updated analytical methods.

ADOPTED by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

Supervisor Peskin welcomed, introduced and presented a Certificate of Honor to Justice Hernando Vegas from Venezuela.
Supervisor Mirkarimi welcomed, introduced and presented a Certificate of Honor to Cheryl Brodie and Richard Shadoian in recognition of efforts to implement programs for disaster plans for citizens.

COMMITTEE REPORTS

060321 **[Fillmore Street Farmers Market]**
Supervisor Alioto-Pier

Resolution allowing for occupancy of a portion of the sidewalk and the parking lane on the east side of Fillmore between Chestnut and Bay Street from 8:00 A.M. to 3:00 P.M. on every Saturday between May 6, 2006 through October 28, 2006.

ADOPTED by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

060342 **[Traffic Regulation - Mendell Street between Palou Avenue]**
Supervisor Maxwell

Resolution enacting temporary "Street Closed to Vehicular Traffic" regulation on Mendell Street between Palou Avenue and 70 linear feet southwest of Oakdale Avenue from 6:30 A.M. to 3:30 P.M. on every Saturday between April 29, 2006 through December 9, 2006.

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

060352 **[Traffic Regulations]**
Supervisors Mirkarimi, Dufty

Resolution enacting and rescinding traffic regulations on various streets.

BICYCLE LANES - ESTABLISH
Market Street, westbound, from Van Ness Avenue to Octavia Boulevard, and eastbound, from Gough Street to 12th Street.

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

060353 [Parking Regulations]
Supervisor Mirkarimi

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO STOPPING, MONDAY THROUGH FRIDAY, 4PM - 7PM - RESCIND
Market Street, north side, from Gough Street to Octavia Boulevard.

TOW-AWAY, NO STOPPING MONDAY THROUGH FRIDAY, 7AM - 9AM - RESCIND
Market Street, south side, from Gough Street to 12th Street.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Market Street, north side, from Gough Street to Octavia Boulevard.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Market Street, south side, from Gough Street to 12th Street.

PERPENDICULAR PARKING - ESTABLISH
12th Street, west side, from Market Street to 400 feet southerly.

DIAGONAL PARKING (45-DEGREE ANGLED) - ESTABLISH
Gough Street, east side, from Market Street to 104 feet southerly, and from Stevenson Street to Colton Street.

PARKING METER AREA NO. 3 (1-HOUR PARKING TIME LIMIT, 9AM - 6PM, MONDAY THROUGH SATURDAY – ESTABLISH
Gough Street, east side, from Market Street to Colton Street, and west side, from Market Street to McCoppin Street.

ONE-HOUR TIME LIMIT, 7AM – 6PM, MONDAY THROUGH SATURDAY - RESCIND
Gough Street, east side, from Market Street to Stevenson Street, and west side, from Market Street to McCoppin Street.

ADOPTED by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; offered congratulations for the 1906 Earthquake celebrations and expressed concern with issues relating to the SF Public Library
Eugene Gordon, Jr. expressed concern with issues relating to human rights issues
Beverly Domestic Violence expressed gratitude for
Female speaker approving of funds
Benjamin Latham, expressed gratitude for allocating funds for domestic violence programs
Male speaker; expressed gratitude to Supervisor Elsbernd and to the members of the Board of Supervisors for the 1906 Earthquake celebrations
Katherine Burke; expressed gratitude for allocating funds for domestic violence
Gloria Chan; expressed gratitude for allocating funds for domestic violence
Female speaker; showed support for the legislation relating to Poems under the Dome, April 27, 2006
Male speaker; showed support for the legislation relating to Poems under the Dome, April 27, 2006
Male speaker; showed support for the legislation relating to Poems under the Dome, April 27, 2006
Daniel Day; showed support for the legislation relating to Poems under the Dome, April 27, 2006
Robert Tumor; expressed gratitude for allocating funds for domestic violence programs
Abdullah Megaheed; showed interest in educating people in preparing for future disasters

CLOSED SESSION

CONFERENCE WITH CITY LABOR NEGOTIATORS

060288 **[Closed Session - Conference with City's Labor Negotiators (Collective Bargaining)]**

Motion that the Board of Supervisors convene in closed session with the City's Labor Relations Negotiators, the Mayor and the Director of Human Resources, for the purpose of reviewing the City's positions in the pending labor negotiations with organizations representing the City employee groups.

This closed session is permitted by Government Code Section 54957.6, and San Francisco Administrative Code Section 67.8.

to convene in Closed Session by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

CLOSED SESSION

The Board recessed at the hour of 3:07 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 3:39 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin - 8

Persons in attendance: Supervisors Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin

Cheryl Adams, Deputy City Attorney
Phil Ginsburg, Director, Human Resources Department
Gloria L. Young, Clerk of the Board
Kay Gulbengay, Deputy Clerk

The meeting was informational only and no action was taken.

Supervisor Sandoval was noted absent at 3:07 p.m.

Continued to May 2, 2006

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

[Elect To Disclose]
Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the pending City Labor Negotiations. (Collective Bargaining)

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

060485 [Recognizing the remarkable career of Sensei Keiko Fukuda and honoring her on the occasion of her 93rd birthday]

Supervisors Dufty, Maxwell

Resolution recognizing the remarkable career of Sensei Keiko Fukuda and honoring her on the occasion of her 93rd birthday.

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

060486 [Commending Zoe Dell Lantis Nutter]

Supervisor Elsbernd

Resolution commending Zoe Dell Lantis Nutter, recipient of the San Francisco Aeronautical Society's Achievement in Aviation Award for 2005.

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

060488 [Department of Elections Outreach Program]

Supervisor Peskin

Resolution declaring April 2006 "Voter Education and Participation Month".

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

060489 [Supporting AB-2161, AB-2193, AB-2481, AB-2488, and AB-2489]

Supervisors Ma, Dufty

Resolution in support of the passage of AB 2161(Hancock), AB 2193 (Bass), AB 2481 (Evans), AB 2488 (Leno) and AB 2489 (Leno) to improve and enhance the State's Child Welfare Services to promote successful outcomes for California's, and San Francisco's, foster youth.

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

Severed from Without Reference to Committee Agenda

Supervisors Ma and Peskin requested that this matter be severed so that it might be considered separately.

060487 [Landmark Tree Program Criteria and Procedures]
Supervisor McGoldrick

Resolution in support of the Urban Forestry Council's landmark tree criteria and procedure created in accordance with Ordinance Number 17-06.

Supervisor Ma requested that this matter be referred to Committee.

REFERRED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

060494 [Supporting funding for the application by the Mexican Museum to the California Cultural and Historical Endowment for Proporsition 40 grant funds]
Supervisors Sandoval, Mirkarimi

Resolution supporting funding for the application by the Mexican Museum to the California Cultural and Historical Endowment for Proposition 40 grant funds.

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

060460 [John Elberling Reappointment to the Treasure Island Development Authority Board of Directors]
Mayor

Resolution confirming the reappointment of John Elberling to the Treasure Island Development Authority Board of Directors, term ending February 26, 2010.

3/23/06, RECEIVED AND ASSIGNED to Rules Committee.

060461 [Appointment - Treasure Island Development Authority Board of Directors]

Resolution confirming the appointment of Ted Dienstfrey to the Treasure Island Development Authority Board of Directors, term ending April 28, 2010.

3/23/06, RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:41 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

***City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689***

MEETING MINUTES - DRAFT

VOTES

DOCUMENTS DEPT.
APR 27 2006
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Tuesday, April 25, 2006 2:00 PM

**Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

Regular Meeting

*AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL*

Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin, Mirkarimi, Elsbernd	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano, Alioto-Pier, Dufty	1st and 3rd Monday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to approve April 4, 2006 Board Meeting Minutes and Special Board Meeting Minutes for the Budget and Finance Committee meeting for April 5, 2006. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

AGENDA CHANGES

Gloria L. Young, Clerk of the Board informed the Board that Item No. 51 (File No. 050520) was calendared in error.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

051917 [Amending Community Court Program Administrative Fee]
Supervisor Daly

Ordinance amending Administrative Code Section 10.183 to authorize the District Attorney to collect Administrative Fees from persons who are determined by the District Attorney to be eligible for the community courts program.

FINALLY PASSED

060412 **[Appropriating $6,371,327 to fund violence prevention programs in communities disproportionately impacted by violence at various departments for Fiscal Year 2005-2006]**

Supervisors Ma, Daly, Mirkarimi

Ordinance appropriating $6,371,327 to fund violence prevention programming and investments in the Department of Children, Youth and Their Families, Public Defender, Juvenile Probation, Mayor's Office of Economic and Workforce Development, Mayor's Office of Criminal Justice, Mayor's Office of Community Development, Sheriff's Department, and Department on the Status of Women. Sources of funds include $4,200,000 from the Unappropriated General Fund Balance, $991,327 from the Fiscal Year 2005-2006 Children's Baseline Growth, $1,180,000 from the Fiscal Year 2004-2005 Children's Baseline Reserve. Uses of funds includes $1,731,327 for Children, Youth and Their Families, $200,000 for the Public Defender, $1,390,000 for the Juvenile Probation Department, $1,300,000 for the Mayor's Office of Economic and Workforce Development, $100,000 for the Mayor's Office of Criminal Justice, $450,000 for the Mayor's Office of Community Development, $400,000 for the Sheriff's Department, and $800,000 for the Department on the Status of Women; and reserving $931,327 appropriated to the Department of Children, Youth and their Families for community outreach and street level intervention and $1,300,000 appropriated to the Mayor's Office of Economic and Workforce Development.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

051535 **[Liquor License, 2222 Polk Street]**

Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license from 627 Vallejo Street to 2222 Polk Street to Michael Dabit for Polk and Green Produce Market will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code with conditions.

ADOPTED

060003 **[Liquor License, Pier 50A, San Francisco]**

Resolution determining that the issuance of a Type 21 off-sale general alcoholic beverage control license to Peter Granoff, for Ferry Plaza Wine Merchant, LP located at Pier 50A, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code with conditions.

ADOPTED

060294 [Parking Regulations]

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "W" (2-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Rhode Island Street, both sides, from the 1100 block of Rhode Island to 22nd Street (1000 block); and, Bryant Street, both sides, between 21st and 22nd Streets (2300 block).

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Lincoln Avenue, south side, between 7th and 8th Avenues (600 block).

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM TO 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Divisadero Street, west side, between Haight and Waller Streets (200 block, odd numbers).

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Church Street, both sides, between Cesar Chavez and 27th Streets (portion of the 1400 block).

TOW-AWAY, NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Geary Street, south side, from the Powell Street intersection to 138 feet easterly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
South Van Ness Avenue, west side, from 60 to 100 feet north of Cesar Chavez Street.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Harriet Street, west side, from 245 feet to 292 feet north of Bryant Street (A 47-foot zone accommodating 12 unmetered motorcycle spaces).

TOW-AWAY, NO PARKING, 8 PM TO 4 AM, FRIDAY NIGHT THROUGH SUNDAY MORNING - ESTABLISH
Broadway, both sides, between Columbus Avenue and Montgomery Street.

TOW-AWAY, NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - RESCIND
Howard Street, north side, between Main and Beale Streets.

TOW-AWAY, NO STOPPING, 7 AM TO 9 AM, AND 4 PM TO 6 PM, MONDAY THROUGH FRIDAY – RESCIND
Howard Street, north side, from Beale Street to 200 feet westerly.

BUS STOP, TOW-AWAY, NO PARKING, 6 AM TO 10 AM, MONDAY THROUGH FRIDAY - ESTABLISH
Howard Street, south side, from Spear Street to 90 feet easterly.

TOW-AWAY, NO STOPPING, 7 AM TO 9 AM, AND 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - RESCIND
Howard Street, north side, from Beale Street to 200 feet westerly.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Holyoke Street, west side, between Woolsey Street and Karen Court.

TOW-AWAY, NO PARKING ANYTIME - RESCIND
Guerrero Street, east side, from 21st Street to 60 feet northerly.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
10th Avenue, east side, between the driveways of 1365 and 1371 10th Avenue (accommodating 2 unmetered motorcycle spaces). (Parking and Traffic Department)

(2/28/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3146.)

ADOPTED

060293 **[STOP Intersections]**
Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Jackson Street at Leavenworth Street, westbound, making this intersection an All-Way STOP;
Monterey Boulevard and Congo Street, stopping Monterey Boulevard, making this intersection an All-Way STOP;
14th and Harrison Streets, stopping Harrison Street, making this intersection an All-Way STOP; and,
San Bruno Avenue at Felton Street, stopping San Bruno Avenue, making this intersection an All-Way STOP. (Parking and Traffic Department)

(2/28/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3146.)

ADOPTED

060295 **[Traffic Regulations]**
Resolution enacting and rescinding traffic regulations on various streets.

RIGHT LANE MUST TURN RIGHT EXCEPT MUNI - ESTABLISH
Howard Street, eastbound, approaching Spear Street.

BICYCLE LANE - ESTABLISH
Howard Street, westbound, from the Embarcadero to Fremont Street

BICYCLE LANE - ESTABLISH
Northbound Potrero Avenue at the Cesar Chavez Interchange, from the 101 southbound off-ramp to 190 feet southerly.

MULTIPLE LEFT TURN LANES - RESCIND
Fell Street, westbound, at Octavia Boulevard.

LEFT LANE MUST TURN LEFT - RESCIND
Fell Street, westbound, at Octavia Boulevard.

RIGHT LANE MUST TURN RIGHT EXCEPT MUNI - RESCIND
Van Ness Avenue southbound, at Bay Street. (Parking and Traffic Department)

(2/28/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3146.)

ADOPTED

060314 **[STOP Intersections]**
Supervisor Mirkarimi

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Irving Street and 11th Avenue: stopping eastbound and westbound on Irving Street.

(3/6/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

ADOPTED

060315 **[STOP Intersections]**
Supervisor Mirkarimi

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS – ESTABLISH
Stopping Haight Street at the south leg of Cole Street, making the west-most Cole Street T-intersection with Haight Street an all-way STOP.

PAINTED CROSSWALK - DELETE
Remove painted crosswalk crossing Haight Street at the north leg of Cole Street (to encourage pedestrian crossings at new all-way STOP).

(3/6/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

ADOPTED

060351 **[STOP Intersections]**
Supervisor Dufty

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS – ESTABLISH
Duncan and Dolores Streets, stopping Dolores Street at Duncan Street, making this intersection an All-Way STOP.

ADOPTED

060373 [Traffic Regulations]
Supervisor Peskin

Resolution enacting and rescinding traffic regulations on various streets.

BICYCLE LANES - ESTABLISH
North Point Street, both directions, from Van Ness Avenue to The Embarcadero.

RIGHT LANE MUST TURN RIGHT - RESCIND
North Point Street, eastbound approaching The Embarcadero.

LEFT LANE MUST TURN LEFT - RESCIND
North Point Street, eastbound approaching The Embarcadero.

(3/17/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

ADOPTED

060391 [Accept-Expend Regional Grant - Department of the Environment]
Supervisor Daly

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $42,500 from the California Department of Transportation Bicycle Transportation Account (BTA) to collaborate with the nonprofit organization BikeStation on the Embarcadero bike station facility improvement and services upgrade.

ADOPTED

060445 [Grant to support community program planning and system improvement as part of the Mental Health Services Act]
Supervisors Ma, Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to accept retroactively and expend a grant in the amount of $656,945 from the California Department of Mental Health for Community Program Planning and System Improvement as part of the Mental Health Services Act (MHSA) (Prop 63), and to enter into an agreement for the use of these funds; for the period of January 6, 2006 to September 30, 2006.

ADOPTED

Recommendations of the Rules Committee

060332 [Settlement of Lawsuit - Mirvat Harb]
Ordinance authorizing settlement of the lawsuit filed by Mirvat Harb against the City and County of San Francisco for $200,000; the lawsuit was filed on December 23, 2004 in San Francisco Superior Court, Case No. 437-254; entitled Mirvat Harb, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

060335 **[Settlement of Lawsuit - Reliant Energy, Inc.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, on behalf of the People of California, against Reliant Energy, Inc. and other Reliant Companies; the lawsuit entitled People v. Dynegy, et al. was filed on January 18, 2001, and has been coordinated as Wholesale Electricity Antitrust Cases I & II in the Superior Court of the State of California for the County of San Diego, JCCP Nos. 4204 and 4205; the settlement provides $666,666.66 to San Francisco and $430 million in benefits to California electric ratepayers, among other provisions. (City Attorney)

FINALLY PASSED

060436 **[Appointment - Sunshine Ordinance Task Force 2000]**

Resolution appointing Erica Craven, Richard Knee, Sue Cauthen, Kristin R. M. Chu, David Pilpel, Bruce Wolfe, and Hanley Chan, terms ending April 27, 2008, to the Sunshine Ordinance Task Force.

Erica Craven, succeeding herself, term expiring April 27, 2006, seat 1, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be an attorney, for a two-year term ending April 27, 2008.
Richard Knee, succeeding himself, term expiring April 27, 2006, seat 2, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be a journalist, for a two-year term ending April 27, 2008.
Sue Cauthen, succeeding herself, term expiring April 27, 2006, seat 3, must be a member of the press or electronic media with an interest in citizen access, for a two-year term ending April 27, 2008.
Kristin R. M. Chu, succeeding Heather Sterner, term expiring April 27, 2006, seat 5, must be appointed from names submitted by the League of Women Voters, for a two-year term ending April 27, 2008.
David Pilpel, succeeding himself, term expiring April 27, 2006, seat 7, must be experienced in Consumer Advocacy, for a two-year term ending April 27, 2008.
Bruce Wolfe, succeeding himself, term expiring April 27, 2006, seat 8, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for a two-year term ending April 27, 2008.
Hanley Chan, succeeding himself, term expiring April 27, 2006, seat 9, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for a two-year term ending April 27, 2008.

ADOPTED

060439 **[Appointment - Mental Health Board]**

Resolution appointing John Kevin Hines and Virginia Wright, terms ending January 31, 2009, to the Mental Health Board.

John Hines, succeeding himself, term expired, seat 12, must be a consumer, for a three-year term ending January 31, 2009.
Virginia Wright, succeeding Dorothy Shaffer, term expired, seat 16, must be a family member, for a three-year term ending January 31, 2009.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Government Audit and Oversight Committee Without Recommendation

051724 [Personal Services Minimum Contractual Rate Ordinance]
Supervisor Daly

Ordinance amending the San Francisco Administrative Code by adding Chapter 12V, Sections 12V.1 through 12V.5, to: require entities that contract for personal services to compensate the providers of those services at a rate per hour of no less than the City's Minimum Wage rate and maintain records, designate the City's Office of Labor Standards Enforcement as the enforcement agency, and establish investigation, enforcement and administrative appeals procedures.

FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Sandoval
Noes: 3 - Alioto-Pier, Maxwell, Peskin

NEW BUSINESS

Recommendations of the City Operations and Neighborhood Services Committee

060395 [Retention of Grocery Workers Upon Change In Control of Grocery Store]
Supervisors Ma, Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Sandoval, Elsbernd

Ordinance amending the San Francisco Police Code by adding a new Article 33D to require grocery employers to retain employees for 90 days upon change in control of the grocery store; to prohibit grocery employers from terminating the employees during those 90 days without cause; to require grocery employers to conduct a performance evaluation of the employees at the conclusion of the 90 days and consider for continued employment those employees with satisfactory performance; to require public notice of a change in control of the grocery store; and to provide judicial remedies, including hiring and reinstatement rights, front and back pay, and the value of benefits lost, for violation of the ordinance, along with an award of reasonable attorneys' fees to a successful plaintiff.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060388 **[Parking Regulations]**
Supervisor Mirkarimi

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO STOPPING ANYTIME – RESCIND
Market Street, north side, from Franklin Street to Rose Street.

PARKING METER AREA NO. 3 (1-HOUR PARKING TIME LIMIT, 9AM - 6PM, MONDAY THROUGH SATURDAY – ESTABLISH
Market Street, north side, from Franklin Street to Rose Street.

(3/24/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the City Operations and Neighborhood Services Committee Without Recommendation

060013 **[Amending the Police Code to allow pawnbrokers to operate on Sundays and on Mondays following a holiday]**
Supervisor Ma

Ordinance amending Section 2809 of the San Francisco Police Code to allow pawnbrokers to operate on Sundays and on Mondays following a holiday, and to make clerical corrections.

Continued to May 9, 2006
Supervisor Ma, seconded by Supervisor Daly, moved that this Ordinance be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Land Use and Economic Development Committee

060250 [Closing specified streets in Golden Gate Park on Saturdays on a trial basis for six months beginning Memorial Day Weekend 2006]

Supervisors McGoldrick, Mirkarimi, Peskin, Sandoval, Ammiano

Ordinance adding Section 6.12 to the San Francisco Park Code to prohibit, on a trial basis from May 27, 2006 and continuing for six months through November 25, 2006, motor vehicle traffic on Saturdays in Golden Gate Park on John F. Kennedy Drive between Kezar Drive and Transverse Drive; Arguello Boulevard; Conservatory Drive East and Conservatory Drive West; 8th Avenue; Bowling Green Drive between John F. Kennedy Drive and Middle Drive East; and Stow Lake Drive between Stow Lake Drive East and John F. Kennedy Drive; to require reports from the Recreation and Park Department and Department of Parking and Traffic pertaining to the Saturday road closures; to require the Golden Gate Park Concourse Authority to share its own data and reports that are relevant to the Saturday road closures with the aforementioned departments; to require a hearing on the Saturday road closures before the Board of Supervisors or a Board committee; and making environmental findings.

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma

Called from the Land Use and Economic Development Committee

050182 [Zoning – Planning Code amendments in connection with the Transbay Redevelopment Plan]

Mayor, Supervisor Daly

Ordinance amending the Planning Code to add Sections 249.27, 263.18, 825, and 825.1 to establish special zoning controls in connection with the Transbay Redevelopment Plan; amending Planning Code Section 270 to reflect the new zoning changes to bulk controls set forth in Section 263.18; adopting environmental findings and findings that the amendments are consistent with the General Plan and eight priority policies of Planning Code Section 101.1.

Continued to May 2, 2006

Supervisor Daly, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050183 **[Zoning Map amendments in connection with the Transbay Redevelopment Plan]**
Mayor, Supervisor Daly

Ordinance amending the San Francisco Planning Code by amending Sectional Map 1, 1H, and 1SU of the Zoning Map of the City and County of San Francisco in connection with the Transbay Redevelopment Plan and an associated special use district with the Redevelopment Plan Project Area and adopting environmental findings and findings that the amendments are consistent with the General Plan and eight priority policies of Planning Code Section 101.1.

Continued to May 2, 2006

Supervisor Daly, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

050784 **[Establishing a Small Local Business Enterprise Program; Prohibiting Discrimination in Contracting and Subcontracting]**
Supervisors Ma, Mirkarimi, Ammiano

Ordinance amending the San Francisco Administrative Code by adding Chapter 14B to establish a Small and Micro Local Business Enterprise Program, prohibit discrimination in City contracting, and suspend Chapter 12D.A.

Supervisor Ammiano requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060432 **[Adding qualified non-profit enterprises to Small Local Business Enterprise Program]**
Supervisor Ammiano

Ordinance amending the San Francisco Administrative Code by adding Section 14B.6 to add qualified non-profit enterprises to Small and Micro Local Business Enterprise Program.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060392 **[Rules of Order - Select Committee on Ending Gun and Gang Violence Consists of Three Members]**
Supervisor Dufty

Motion amending the Board of Supervisors Rules of Orders by amending Rule 5.8 to provide that the Select Committee on Ending Gun and Gang Violence shall be comprised of three members of the Board of Supervisors.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060404 **[Appointment - Police Commission]**

Motion confirming the Rules Committee's nomination of, and appointing, David Campos, term ending April 30, 2010, to the San Francisco Police Commission.

David Campos, succeeding himself, term expiring on April 30, 2006, seat 2, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for a four-year term ending April 30, 2010.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060446 **[Dr. Joe Marshall Reappointment to the Police Commission]**

Mayor

Motion confirming the Mayor's nomination of, and reappointing, Dr. Joe Marshall to the San Francisco Police Commission for a four-year term ending April 30, 2010.

(Charter Section 4.109 - Board of Supervisors must act witin 60 days from the date the nomination is transmitted from the Mayor to the Clerk of the Board's Office. If the Board fails to act on the Mayor's nomination within the 60 days the Mayor's nominee shall be deemed approved.
Transmittal Date: 4/4/06.)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

SPECIAL ORDER 4:00 P.M.

060240 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 229 32nd Avenue (aka 7070 California), Katherine Delmar Burke School Project]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated October 31, 2005 (Case No. 2005.0275E), exempting from environmental review under Categorical Exemption Class 14, [State Guidelines Section 15314] and Class 32, [State Guidelines, Section 15332 (a) through (e)], the Katherine Delmar Burke School Addition, located at 229-32nd Avenue (aka 7070 California), Block 1392, Lot 037. The proposed project entails construction of a two-story, 26.5-foot tall arts and science building containing six classrooms, and removal of a paved tennis court presently occupying the site. The new 9,569 sq.ft. infill academic building would add 16 percent capacity in the 3.32-acre campus' existing 60,407 sq.ft. of built space. The project site is rectangular in shape, consisting of approximately 7,200 sq.ft. or 0.165 acre in size. The project site, within the Katherine Delmar Burke School campus, is set back from El Camino del Mar to the north and is also bounded by Lincoln Park to the west and 32nd Avenue to the east. Located in the Sea Cliff neighborhood, the project site is within the RH-1 (D) Residential, House, One-Family (Detached Dwellings) District and a 40-X Height and Bulk District. The Project would require conditional Use authorization for modification to an existing Planned Unit Development (PUD) and authorization for expansion of an educational use. (Appellant: Lincoln Park Homeowners Association, represented by Diane K. Hanna, Attorney, Ellman Burke Hoffman & Johnson, a Professional Corporation.)

(Filed February 15, 2006; companion measure to Files 060241, 060242, 060243; District 1.)

The President inquired as to whether any member of the public wished to address the Board members. There were none.
Continued to May 2, 2006

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

060241 **[Affirming the categorical exemption issued for 229 32nd Avenue (Katherine Delmar Burke School) project]**

Motion affirming the determination by the Planning Department that the 229 32nd Avenue (Katherine Delmar Burke School) project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to May 2, 2006

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060242 **[Disapproving the categorical exemption issued for 229 32nd Avenue (Katherine Delmar Burke School) project]**

Motion disapproving the determination by the Planning Department that the 229 32nd Avenue (Katherine Delmar Burke School) project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to May 2, 2006

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060243 **[Preparation of findings related to the 229 32nd Avenue (Katherine Delmar Burke School) project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 229 32nd Avenue (Katherine Delmar Burke School) is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to May 2, 2006

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M.

060199 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 869 North Point Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 30, 2005 (Case No. 2005.0399E), exempting from environmental review under Categorical Exemption [State CEQA Guidelines, Sections 15301 and 15303; Class Numbers 1 and 3], the proposed project involving the demolition of a vacant two-story, single-family residential building and the construction of a three-story with mezzanine, three-family residential building measuring approximately 6,000 gross-square-feet (gsf). The proposed project would include three off-street parking spaces in a surface level garage. The project site is a 3,437.5 square feet in size located at 869 North Point Street, Assessor's Block 0026, Lot 019B in the Russian Hill Neighborhood, within the RH-3 (Residential House District, Three-Family) zoning district and a 40-X Height and Bulk district. (Appellants: Roland Salvato on behalf of the Aquatic Park Neighbors and the Ghirardelli Square Neighbors.)

(Filed 3/14/06; companion measure to Files 060200, 060201, 060202; District 2.)

The President inquired as to whether any member of the public wished to address the Board members.
Roland Salvato; appellant, Aquatic Park Neighbors
Melanie Moberg; support of appellant
Female speaker; support of appellant
F. Joseph Butler, Architect; support of appellant
Marian Henman, support of the appellant

Bill Wycko, and Adam Light, Planning Department representatives reviewed with the Board the Planning Department's recommendation.

David Cincotta, Attorney for the project sponsor
F. Joseph Butler, appellant rebuttal period

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

060200 **[Affirming the categorical exemption issued for the 869 North Point Street project]**

Motion affirming the determination by the Planning Department that the 869 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060201 **[Disapproving the categorical exemption issued for the 869 North Point Street project]**

Motion disapproving the determination by the Planning Department that the 869 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060202 **[Preparation of findings related to the 869 North Point Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 869 North Point Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Miles Kraus; expressed concern with the sewer system in San Francisco
John da Donna; expressed concern with issues relating to the Iraq War
Eugene Gordon, Jr.; expressed concern with human rights issues
Steven McNear; support of legislation relating to end the genocide in Darfur
Mark Levin; support of legislation relating to end the genocide in Darfur
Female speaker; support of legislation relating to end the genocide in Darfur
Female speaker; support of legislation relating to end the genocide in Darfur
Sarah Taylor; support of legislation relating to end the genocide in Darfur
Edward Cotell; support of legislation relating to end the genocide in Darfur
Female speaker; support of legislation relating to end the genocide in Darfur
Female speaker; support of legislation relating to end the genocide in Darfur
Fred Paris; support of Item 41 water discharge permit for Potrero Power Plant
Male Speaker; support of legislation relating to end the genocide in Darfur
Female speaker; expressed concern with general issues
Kimo Crossman; congratulated James Chaffee on his knowledge of the Sunshine Ordinance provisions and expressed concern with the SFWFI Network selection of Earthlink as the WFI providers for San Francisco
Terri; support of legislation relating to end the genocide in Darfur

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

060433 **[Issuance and Sale of Refunding Revenue Bonds - National Center for International Schools]**
Supervisor Daly

Resolution approving the issuance and sale of refunding revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $18,500,000 for the refinancing of the acquisition, construction, improvement, expansion and equipping of the certain school facilities owned and operated by the National Center for International Schools.

ADOPTED

060511 **[Bessie Carmichael Elementary School/Filipino Education Center Grade Expansion]**
Supervisors Daly, Ammiano, Ma

Resolution in Support of a Pre-kindergarten through 8th Grade Program at Bessie Carmichael Elementary School/Filipino Education Center.

Supervisors Ammiano and Ma requested to be added as co-sponsors.
ADOPTED

060513 **[Commending the organizers of the first annual Poem Under the Dome]**
Supervisors Mirkarimi, Maxwell

Resolution commending the organizers of the first annual Poem Under the Dome poetry open mic event in City Hall.

Supervisor Maxwell requested to be added as a co-sponsor.
ADOPTED

060514 **[Resolution commending the Municipal Transportation Agency (MTA) for providing free MUNI service for the Earthquake Centennial Commemoration]**
Supervisors Dufty, Peskin, Maxwell

Resolution commending the Municipal Transportation Agency (MTA) for providing free MUNI service for the Earthquake Centennial Commemoration.

Supervisor Maxwell requested to be added as a co-sponsor.
ADOPTED

060515 **[Resolution commending Tony Jasinski for his remarkable dedication to the San Francisco Gay Basketball program]**
Supervisors Dufty, Maxwell, Ammiano

Resolution commending Tony Jasinski for his remarkable dedication to the San Francisco Gay Basketball program.

Supervisor Ammiano requested to be added as a co-sponsor.
ADOPTED

060516 **[Business Coalition for Benefits Tax Equity]**
Supervisors Elsbernd, Ammiano

Resolution supporting repealing the taxation of domestic partner health insurance benefits and joining the business coalition for benefits tax equity.

ADOPTED

060517 **[Supporting Community Development Block Grant Program]**
Supervisors Elsbernd, Maxwell, Daly, Dufty

Resolution urging the U.S. Congress to allocate $4.3 billion in funding for the fiscal year 2007 Community Development Block Grant Program.

Supervisor Dufty requested to be added as a co-sponsor.
ADOPTED

060518 [Aneurysm and Arteriovenous Malformation Awareness Day]
Supervisor Ma

Resolution declaring May 7, 2006 as Aneurysm and Arteriovenous Malformation (AVM) Awareness Day.

ADOPTED

060519 [Accept-Expend Bequest of Richard D. May Estate]
Supervisor Elsbernd

Resolution authorizing the San Francisco Public Library to accept and expend a bequest in the amount of $20,000 from the RICHARD D. MAY estate to digitize, for public service use, unique historical periodicals dealing with the history of construction and architecture in the Bay Area.

ADOPTED

060521 [Accept-Expend Bequest of Edgar Bowers Estate]
Supervisor Elsbernd

Resolution authorizing the San Francisco Public Library to accept and expend a bequest in the amount of $12,403.52 from the EDGAR BOWERS estate for improvements at the Main Library.

ADOPTED

060522 [Accept-Expend Bequest of Lorayne Habata Estate]
Supervisors Elsbernd, Mirkarimi

Resolution authorizing the San Francisco Public Library to accept and expend a bequest in the amount of $65,627.76 from the LORAYNE HABATA estate for landscape improvements at the Western Addition Branch Library in coordination with the renovation of the library scheduled to begin in summer 2006, with completion in late 2007.

Supervisor Mirkarimi requested to be added as a co-sponsor.
ADOPTED

060523 [Supporting AB 2865, the Healthy Day Cares bill]
Supervisors Ma, Ammiano

Resolution supporting Assembly Bill 2865 (Torrico), the Healthy Day Cares bill.

Supervisor Ammiano requested to be added as a co-sponsor.
ADOPTED

060525 [SF Fighters Local 798 and SF Fire Department Historical Society Commendation]
Supervisors Peskin, Dufty, Elsbernd, Ma

Resolution commending the San Francisco Fire Fighters Local 798 and the San Francisco Fire Department Historical Society for coordinating a successful parade to commemorate the 1906 Earthquake and Fire.

Supervisors Elsbernd and Ma requested to be added as co-sponsors.
ADOPTED

060526 [Grant funds to provide a nutrition and fitness program for students at Balboa High School and adding one new position]
Supervisors Sandoval, Ma

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to accept retroactively and expend grant funds in the amount of $34,351 from the San Francisco Public Health Foundation for a nutrition and fitness program for students at Balboa High School, adding one (1.0) new position through these funds; for the period of April 1, 2005, to September 30, 2006.

Supervisor Ma requested to be added as a co-sponsor.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from Without Reference to Committee Agenda

Supervisor Maxwell requested that this matter be severed so that it might be considered separately.

060500 [Urging Water Board to Adopt a Water Discharge Permit for Potrero Power Plant that Protects the Bay]
Supervisors Maxwell, Peskin, Mirkarimi, Ma

Resolution urging the San Francisco Bay Regional Water Quality Control Board to issue water discharge permit for Potrero Power Plant that enforces the law and protects the Bay, and urging the Regional Water Board to reject the permit proposed by its staff and adopt the Community Permit, and urging the Regional Water Board to require Mirant to bring the plant into compliance immediately once it is not needed for electric reliability.

Supervisors Peskin, Mirkarimi and Ma requested to be added as co-sponsors.

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Resolution be ADOPTED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately

060512 [Urging the United States to immediately take effective action to stop the genocide in Darfur]
Supervisors Mirkarimi, Dufty, Maxwell

Resolution urging the United States to take action against the Republic of Sudan to end the genocide in Darfur.

Supervisors Dufty and Maxwell requested to be added as co-sponsors.

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Resolution urging U.S. to immediately take effective action to stop the genocide in Darfur.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Daly, seconded by Supervisor Elsbernd, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Daly, seconded by Supervisor Elsbernd, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060531 [Armenian Genocide Commemoration Day]
Supervisors Peskin, Elsbernd, Mirkarimi

Resolution declaring April 25, 2006 As Armenian Genocide Commemoration Day in San Francisco.

Supervisors Elsbernd and Mirkarimi requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060532 **[Sherry Williams Commendation]**
Supervisor Daly

Resolution commending Sherry Williams, Director of the Treasure Island Homeless Development Initiative ((TIHDI) for over 10 years of dedicated service and outstanding service on behalf of the Treasure Island Community.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

060530 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Donald Sargeant against the City and County of San Francisco for $225,000; the lawsuit was filed on March 25, 2005 in San Francisco Superior Court, Case No. 439-805; entitled Donald Sargeant v. City and County of San Francisco, et al.

4/13/06, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:00 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

DOCUMENTS DEPT.
MAY - 5 2006
SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, May 2, 2006 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin, Mirkarimi, Elsbernd	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano	1st and 3rd Monday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll Supervisor Maxwell was noted absent.

There was a quorum.

Supervisor Maxwell was excused from attending today's meeting.

Supervisor Maxwell Excused from Attendance

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved to excuse Supervisor Maxwell from attending today's meeting. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

APPROVAL OF MEETING MINUTES

None.

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Items 1 through 6

Recommendation of the City Operations and Neighborhood Services Committee

060395 [Retention of Grocery Workers Upon Change In Control of Grocery Store]
Supervisors Ma, Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Sandoval, Elsbernd

Ordinance amending the San Francisco Police Code by adding a new Article 33D to require grocery employers to retain employees for 90 days upon change in control of the grocery store; to prohibit grocery employers from terminating the employees during those 90 days without cause; to require grocery employers to conduct a performance evaluation of the employees at the conclusion of the 90 days and consider for continued employment those employees with satisfactory performance; to require public notice of a change in control of the grocery store; and to provide judicial remedies, including hiring and reinstatement rights, front and back pay, and the value of benefits lost, for violation of the ordinance, along with an award of reasonable attorneys' fees to a successful plaintiff.

FINALLY PASSED

Recommendations of the Rules Committee

050784 [Establishing a Small Local Business Enterprise Program; Prohibiting Discrimination in Contracting and Subcontracting]
Supervisors Ma, Mirkarimi, Ammiano

Ordinance amending the San Francisco Administrative Code by adding Chapter 14B to establish a Small and Micro Local Business Enterprise Program, prohibit discrimination in City contracting, and suspend Chapter 12D.A.

FINALLY PASSED

060432 [Adding qualified non-profit enterprises to Small Local Business Enterprise Program]
Supervisor Ammiano

Ordinance amending the San Francisco Administrative Code by adding Section 14B.6 to add qualified non-profit enterprises to Small and Micro Local Business Enterprise Program.

FINALLY PASSED

060463 [Settlement of Lawsuits - Pacific Gas and Electric Company and Television Signal Corp.]

Ordinance authorizing settlement of three lawsuits filed by Pacific Gas and Electric Company and Television Signal Corp. against the City and County of San Francisco for a total of $1,156,164.00. Pacific Gas and Electric Co v. City and County of San Francisco was filed April 30, 1999, in the United States District Court, Case No. C99-2071 VRW. Television Signal Corp. v. City and County of San Francisco was filed June 29, 2000, in United States District Court, Case No. C00-2311 VRW. Pacific Gas and Electric Co. v. City and County of San Francisco was filed July 21, 2005 in San Francisco Superior Court, Case No. 443-277. The lawsuit entitled Television Signal Corp v. City and County, Case No. C00-2311 VRW, is settled without any payment. (City Attorney)

PASSED, ON FIRST READING

060506 **[Appointment - Urban Forestry Council]**

Resolution appointing Milton Marks, term ending April 5, 2007, to the Urban Forestry Council.

Milton Marks, succeeding Michael Sullivan, resigned, seat 6, must be a representative of the community, for a two year-term ending April 5, 2007.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

Severed From the Consent Agenda

Supervisor McGoldrick requested that this matter be severed so that it might be considered separately.

060405 **[Appointment - Biodiesel Access Task Force]**

Resolution appointing Adam Hagen, Eric Bowen, Melissa Hardy, Benjamin P. Jordan and Karri Ving, terms ending December 31, 2007, to the Biodiesel Access Task Force.

Adam Hagen, new appointment, seat 1, must be member of the public who represents the biodiesel community, such as a gas station owner, fleet operator and consumer, for a term ending December 31, 2007.
Eric Bowen, new appointment, seat 2, must be member of the public who represents the biodiesel community, such as a gas station owner, fleet operator and consumer, for a term ending December 31, 2007.
Melissa Hardy, new appointment, seat 3, must be member of the public who represents the biodiesel community, such as a gas station owner, fleet operator and consumer, for a term ending December 31, 2007.
Benjamin P. Jordan, new appointment, seat 4, must be member of the public who represents the biodiesel community, such as a gas station owner, fleet operator and consumer, for a term ending December 31, 2007.
Karri Ving, new appointment, seat 5, must be member of the public who represents the biodiesel community, such as a gas station owner, fleet operator and consumer, for a term ending December 31, 2007.

Community members may include organizations. No organization may have more than one representative on the Task Force.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use and Economic Development Committee

060250 [Closing specified streets in Golden Gate Park on Saturdays on a trial basis for six months beginning approximately on Memorial Day Weekend 2006]

Supervisors McGoldrick, Mirkarimi, Peskin, Sandoval, Ammiano

Ordinance adding Section 6.12 to the San Francisco Park Code to prohibit, on a trial basis for six months, motor vehicle traffic on Saturdays in Golden Gate Park on John F. Kennedy Drive between Kezar Drive and Transverse Drive; Arguello Boulevard; Conservatory Drive East and Conservatory Drive West; 8th Avenue; Bowling Green Drive between John F. Kennedy Drive and Middle Drive East; and Stow Lake Drive between Stow Lake Drive East and John F. Kennedy Drive; to require reports from the Recreation and Park Department and Department of Parking and Traffic pertaining to the Saturday road closures; to require the Golden Gate Park Concourse Authority to share its own data and reports that are relevant to the Saturday road closures with the aforementioned departments; to require a hearing on the Saturday road closures before the Board of Supervisors or a Board committee; and making environmental findings.

Amendment of the Whole

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Ordinance be PASSED ON FIRST READING AS AMENDED. The motion carried by the following vote:

Ayes: 6 - Ammiano, Daly, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma
Excused: 1 - Maxwell

NEW BUSINESS

Recommendations of the Budget and Finance Committee

060393 [Prohibiting Smoking on Golf Courses]

Supervisor McGoldrick

Ordinance amending Section 1009.81 of the Health Code to prohibit smoking on golf courses.

(Fiscal impact.)
(Supervisors Peskin and Elsbernd dissented in Committee.)

Continued to May 9, 2006.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Ammiano, Daly, Dufty, McGoldrick, Mirkarimi
Noes: 4 - Elsbernd, Ma, Peskin, Sandoval
Excused: 1 - Maxwell

060473 **[Appropriating $148,713,421 of bond proceeds to fund the Water System Improvement Program at San Francisco Public Utilities Commission]**

Mayor

Ordinance appropriating $148,713,421 of bond proceeds to support the Water System Improvement Program (WSIP) in the San Francisco Public Utilities Commission (SFPUC) for Fiscal Year 2005-06.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

060256 **[Sale of real property located at Broadway and Sansome Streets (235-295 Broadway) (Assessor's Block 165 Lot 21) to Redevelopment Agency for $1,500,000.00 and appropriating the sales proceeds for roadway maintenance of the Embarcadero.]**

Supervisor Peskin

Ordinance approving the sale of real property located at Broadway and Sansome Streets (235-295 Broadway)(Assessor's Block 165 Lot 21) to the Redevelopment Agency of the City and County of San Francisco (the "Agency") for $1,500,000.00; authorizing the Director of Property to enter into an Agreement for the Sale of Real Property with the Agency for the sale of such real property for the development of affordable housing and appropriating $1,500,000.00 of the sales proceeds to the Department of Public Works for roadway maintenance of the Embarcadero.

(Fiscal impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

060338 **[Sale of Surplus Property -107 24th Ave.]**

Resolution confirming the sale of surplus City-owned property located at 107 24th Avenue (Lots 39 and 40 in Assessor's Block 1334) at public auction and authorizing the Director of Property to execute deeds to the successful bidders. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Ma
Excused: 1 - Maxwell

060409 [Apply For-Accept-Expend Federal Funding - Community Development Block Grant]
Mayor

Resolution approving the 2006/07 Community Development Block Grant (CDBG) Program; authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's 2006/07 Community Development Block Grant from the U.S. Department of Housing and Urban Development (HUD) together with Program Income, totaling $25,151,655; and approving an Expenditure Schedule.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

060413 [Apply For-Accept-Expend Federal Funding - Emergency Shelter Grants Program]
Mayor

Resolution approving the 2006/07 Emergency Shelter Grant (ESG) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's 2006/07 Emergency Shelter Grant entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $928,391; and approving the expenditure schedule for recipient agencies.

(Fiscal impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

060419 [Apply For-Accept-Expend Federal Funding - HOME Program]
Mayor

Resolution approving the 2006/07 HOME Investment Partnership (HOME) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's 2006/07 HOME Program entitlement from the U.S. Department of Housing and Urban Development (HUD) and Reprogrammed Funds, totaling $15,016,330, and placing $5,000,000 on reserve for new family rental housing; and approving an Expenditure Schedule.

(Fiscal impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

Recommendation of the Government Audit and Oversight Committee

060368 **[Fixing Compensation - Unrepresented Employees]**
Mayor

Ordinance Fixing Compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in jobcodes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2006.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

Recommendations of the Land Use and Economic Development Committee

051065 **[Zoning Map Amendment for 425 Mason Street]**

Ordinance amending the San Francisco Planning Code by amending Sectional Map 1 of the Zoning Map of the City and County of San Francisco to change the use classification of the property located at 425 Mason Street, and identified as Assessor's Block No. 0306, Lot No. 002, from a zoning designation of P (Public) to C-3-G (Downtown General Commercial); and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

Supervisor Mirkarimi Excused from Vote

Supervisor Ammiano, seconded by Supervisor Daly, moved to excuse Supervisor Mirkarimi from voting on this item. The motion carried by the following vote:
Ayes: Alioto-Pier, Ammiano; Daly; Dufty; Elsbernd; Ma; McGoldrick; Peskin; Sandoval
Excused: Maxwell

060443 **[Prohibition on condominium conversion for buildings where specified evictions occurred]**
Supervisor Peskin

Ordinance amending the Subdivision Code to add Section 1396.2 to prohibit condominium conversion for a building where specified evictions occurred and making findings, including environmental findings.

Continued to May 9, 2006.

Supervisor Ammiano, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Peskin, Sandoval
Excused: 2 - Maxwell, Mirkarimi

Recommendations of the Rules Committee

051837 [Exceptions to the Ban on Compensated Advocacy]
Supervisor Mirkarimi

Ordinance amending Section 3.224 of the Campaign and Governmental Conduct Code to clarify that the exception to the ban on compensated advocacy for City officers who are licensed attorneys applies to City officers who are licensed attorneys engaged in the practice of law, which includes representing clients in communications with the City Attorney's Office, District Attorney's Office, the Public Defender's Office, attorneys in the Tax Collector's Office or Sheriff's Department, outside legal counsel hired by the City, and City officers and employees who are named in a pending litigation matter or are witnesses or potential witnesses in a pending litigation matter. (Ethics Commission)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

051876 [Statements of Economic Interests for Candidates for City Elective Office]
Supervisor Mirkarimi

Ordinance amending section 3.1-102 of the Campaign and Governmental Conduct Code to require all candidates for City elective office to file statements of economic interests with the Department of Elections no later than the final filing date for a declaration of candidacy. (Ethics Commission)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

060421 [Confirming the reappointment of Reverend James McCray to the Municipal Transportation Agency Board of Directors, term ending March 1, 2010]
Mayor

Resolution confirming the reappointment of James McCray to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2010.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

060422 [Confirming the reappointment of Shirley Breyer Black to the Municipal Transportation Agency Board of Directors, term ending March 1, 2010]
Mayor

Resolution confirming the reappointment of Shirley Breyer Black to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2010.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

060423 **[Confirming the appointment of Mr. Tom Nolan to the Municipal Transportation Agency Board of Directors, term ending March 1, 2009]**
Mayor

Resolution confirming the appointment of Tom Nolan to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2009.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

060424 **[Confirming the appointment of Leah Shahum to the Municipal Transportation Agency Board of Directors, term ending March 1, 2008]**
Mayor

Resolution confirming the appointment of Leah Shahum to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2008.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

From the Rules Committee Without Recommendation

060460 **[John Elberling Reappointment to the Treasure Island Development Authority Board of Directors]**
Mayor

Resolution confirming the reappointment of John Elberling to the Treasure Island Development Authority Board of Directors, term ending February 26, 2010.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

060556 **[Hearing - Transbay Redevelopment Project, Tax Increment Allocation and Sales Proceeds Pledge Agreement and an Option Agreement]**

Hearing of persons interested in or objecting to proposed Ordinance approving a Tax Increment Allocation and Sales Proceeds Pledge Agreement and an Option Agreement for the Transbay Redevelopment Project Area between the City and County of San Francisco, the Transbay Joint Powers Authority and the Redevelopment Agency of the City and County of San Francisco; making environmental findings and findings of consistency with the City's General Plan and the Eight Priority Policies of City Planning Code Section 101.1; authorizing other steps to implement the Transbay Redevelopment Plan; and adopting other findings pursuant to the California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33679. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board members.
Speakers: Mike Grisso, Redevelopment Agency; Joshua S., Planning Department; male speaker.
The President declared the public meeting closed.

HEARD AT PUBLIC HEARING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

Committee of the Whole Adjourn and Report Without Recommendation

060347 **[Transbay Redevelopment Project -Tax Increment Allocation and Sales Proceeds Pledge Agreement and an Option Agreement]**

Supervisor Daly

Ordinance approving a Tax Increment Allocation and Sales Proceeds Pledge Agreement and an Option Agreement for the Transbay Redevelopment Project Area between the City and County of San Francisco, the Transbay Joint Powers Authority and the Redevelopment Agency of the City and County of San Francisco; making environmental findings and findings of consistency with the City's General Plan and the Eight Priority Policies of City Planning Code Section 101.1; authorizing other steps to implement the Transbay Redevelopment Plan; and adopting other findings pursuant to the California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33679.

(Fiscal impact.)

Amendments to Option Agreement only, presented by Deputy City Attorney Donnell Choy.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

Called from the Land Use and Economic Development Committee

050182 **[Zoning – Planning Code amendments in connection with the Transbay Redevelopment Plan]**
Mayor, Supervisor Daly

Ordinance amending the Planning Code to add Sections 249.27, 263.18, 825, and 825.1 to establish special zoning controls in connection with the Transbay Redevelopment Plan; amending Planning Code Section 270 to reflect the new zoning changes to bulk controls set forth in Section 263.18; adopting environmental findings and findings that the amendments are consistent with the General Plan and eight priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Maxwell

050183 **[Zoning Map amendments in connection with the Transbay Redevelopment Plan]**
Mayor, Supervisor Daly

Ordinance amending the San Francisco Planning Code by amending Sectional Map 1, 1H, and 1SU of the Zoning Map of the City and County of San Francisco in connection with the Transbay Redevelopment Plan and an associated special use district with the Redevelopment Plan Project Area and adopting environmental findings and findings that the amendments are consistent with the General Plan and eight priority policies of Planning Code Section 101.1.

Amendment of the Whole.
AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be PASSED ON FIRST READING AS AMENDED. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Maxwell

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

It was decided to Supervisor Daly, seconded by Supervisor Ammiano moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: Alioto-Pier, Ammiano; Daly; Dufty; Elsbernd; Ma; McGoldrick; Peskin; Sandoval
Excused: Maxwell.

Supervisor Peskin welcomed, introduced and presented a commendation to Mario Avendano on the occasion of his retirement after serving 26 yrs. with S. F. Recreation and Park Department as Superintendent of Instructural Maintenance and Assistant Superintendent of Parks.

SPECIAL ORDER 4:00 P.M.

060240 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 229 32nd Avenue (aka 7070 California), Katherine Delmar Burke School Project]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated October 31, 2005 (Case No. 2005.0275E), exempting from environmental review under Categorical Exemption Class 14, [State Guidelines Section 15314] and Class 32, [State Guidelines, Section 15332 (a) through (e)], the Katherine Delmar Burke School Addition, located at 229-32nd Avenue (aka 7070 California), Block 1392, Lot 037. The proposed project entails construction of a two-story, 26.5-foot tall arts and science building containing six classrooms, and removal of a paved tennis court presently occupying the site. The new 9,569 sq.ft. infill academic building would add 16 percent capacity in the 3.32-acre campus' existing 60,407 sq.ft. of built space. The project site is rectangular in shape, consisting of approximately 7,200 sq.ft. or 0.165 acre in size. The project site, within the Katherine Delmar Burke School campus, is set back from El Camino del Mar to the north and is also bounded by Lincoln Park to the west and 32nd Avenue to the east. Located in the Sea Cliff neighborhood, the project site is within the RH-1 (D) Residential, House, One-Family (Detached Dwellings) District and a 40-X Height and Bulk District. The Project would require conditional Use authorization for modification to an existing Planned Unit Development (PUD) and authorization for expansion of an educational use. (Appellant: Lincoln Park Homeowners Association, represented by Diane K. Hanna, Attorney, Ellman Burke Hoffman & Johnson, a Professional Corporation.)

(Filed February 15, 2006; companion measure to Files 060241, 060242, 060243; District 1.)

Continued to May 9, 2006.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

060241 **[Affirming the categorical exemption issued for 229 32nd Avenue (Katherine Delmar Burke School) project]**

Motion affirming the determination by the Planning Department that the 229 32nd Avenue (Katherine Delmar Burke School) project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to May 9, 2006.

CONTINUED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

060242 **[Disapproving the categorical exemption issued for 229 32nd Avenue (Katherine Delmar Burke School) project]**

Motion disapproving the determination by the Planning Department that the 229 32nd Avenue (Katherine Delmar Burke School) project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to May 9, 2006.

CONTINUED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

060243 **[Preparation of findings related to the 229 32nd Avenue (Katherine Delmar Burke School) project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 229 32nd Avenue (Katherine Delmar Burke School) is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to May 9, 2006.

CONTINUED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed views ralating to Friends of the Library
Andy Williams; congratulated Supervisor Alioto-Pier on her new baby with song, "Born Free"
Eugene Gordon, Jr.; expressed concerns relating to money exchange and the environment
Female speaker; extended invitation to Supervisors to see documentary regarding September 11 tragedy
Jason; expressed concerns regarding information given to public on September 11
Lauren, Environmental Commissioner; expressed concerns regarding results of radiation issues created by twin tower destruction on September 11
Christian Peaco; expressed concerns over information give to public as to who planned September 11 tragedy
Peter; expressed concerns regarding information given to public about Flight 93
Male speaker; extended invitation to Supervisors to see documentary at Grandlake Theater
Male speaker; commending the making of the documentary to inform the public regarding September 11 tragedy
Female speaker; expressed concerns regarding MUNI service
Slyvia Johnson; expressed concerns regarding various issues
Christian Short; expressed concerns that September 11 was planned by our government
Cory; comments regarding his tour in Iraq and concerns regarding our government

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

060544 [Legislative Analyst Request - Allocated appropriated funds for violence prevention]
Supervisor Ma

Motion requesting the Legislative Analyst to prepare a report (File No. 060412) on how funds are appropriated for violence prevention will be allocated by the various departments.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

CLOSED SESSION

CONFERENCE WITH CITY LABOR NEGOTIATORS

060288 **[Closed Session - Conference with City's Labor Negotiators (Collective Bargaining)]**

Motion that the Board of Supervisors convene in closed session with the City's Labor Relations Negotiators, the Mayor and the Director of Human Resources, for the purpose of reviewing the City's positions in the pending labor negotiations with organizations representing the City employee groups.

This closed session is permitted by Government Code Section 54957.6, and San Francisco Administrative Code Section 67.8.

to convene in Closed Session.

CLOSED SESSION

The Board recessed at the hour of 4:42 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 5:02 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Ammiano, Daly, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval - 8

Supervisors Dufty and Alioto-Pier , Maxwell were excused.

Persons in attendance: Supervisors Ammiano, Daly, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval

Buck Delventhal, Deputy City Attorney
Monique Zmuda, Controller's Office
Phil Ginsburg, Director, Human Resources Department
Micki Callahan, Department of Human Resources
Gloria L. Young, Clerk of the Board

The meeting was informational only and no action was taken.

Continued to May 16, 2006

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin
Excused: 4 - Alioto-Pier, Dufty, Maxwell, Sandoval

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY

060555 **[Closed Session - Existing Litigation]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following bankruptcy matter (Chapter 11) in which the City and County of San Francisco is an active participant, and the following regulatory matters in which the City and County of San Francisco is an active participant:

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuits listed below.

Pacific Gas and Electric Company v. City and County of San Francisco; U.S. Bankruptcy Court, Northern District of California, Case No. 01-30923-DM; Adv. Proc. No. 04-3071, filed April 30, 2004;

City and County of San Francisco v. Pacific Gas and Electric Company, Federal Energy Regulatory Commission, Docket No. EL05-133-000, filed June 29, 2005;

Pacific Gas & Electric Company, Docket No. ER05-1190-000, Federal Energy Regulatory Commission, filed July 1, 2005. (City Attorney)

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved Continued to May 9, 2006.. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin
Excused: 4 - Alioto-Pier, Dufty, Maxwell, Sandoval

Bd Litigation Pres Instructions[B1,B2]

CLOSED SESSION
The Board recessed at the hour of 4:08 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 4:41 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin - 8

Supervisors Maxwell, Dufty and Sandoval were excused.

Persons in attendance: Supervisors Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin

Buck Delventhal, Deputy City Attorney
Ken Bruce, Budget Analyst Office
Monique Zmuda, Controller's Office
Susan Leal, SFPUC
Barbara Hale, SFPUC
Theresa Mueller, Deputy City Attorney
Lora Spanjian, SFPUC
Gloria L. Young, Clerk of the Board

From the Budget and Finance Committee Without Recommendation

060474 **[Appropriating $4,100,000 of Hetch Hetchy Unappropriated Fund Balance to defend the City and County of San Francisco's rights for services it receives from PG&E]**
Mayor

Ordinance appropriating $4,100,000 of Unappropriated Fund Balance to support Legal Services in Hetchy Water & Power Department for Fiscal Year 2005-06.

(Fiscal impact.)

Continued to May 9, 2006.

CONTINUED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Dufty, Maxwell

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

Items 39 through 49

060520 [Accept-Expend Bequest of Marge Falk Trust]
Supervisor Elsbernd

Resolution authorizing the San Francisco Public Library to accept and expend a bequest in the amount of $19,077 from the MARGE FALK Revocable Trust for public service improvements at the Library for the Blind located within the Main Library.

ADOPTED

060546 [Asian Pacific Islander Family Resources Network Day]
Supervisor Ma

Resolution recognizing May 5, 2006 as “Asian Pacific Islander Family Resources Network (APIFRN) Day.”

ADOPTED

060547 [Accept-Expend Federal and State Grants for Voting Equipment]
Supervisor Mirkarimi

Resolution authorizing the San Francisco Department of Elections to accept and expend additional grants under the federal Help America Vote Act of 2002 ("HAVA"), Section 301, and Proposition 41 in an amount not to exceed $400,000 for voting equipment for the June 6, 2006 election.

ADOPTED

060549 [Gift to City of Travel from Chamber of Commerce for 2006 CityTrip]
Supervisor Peskin

Resolution accepting a gift of airfare, accommodations and conference fees valued in an amount of $16,800 from the San Francisco Chamber of Commerce for four City official's or employees to join the Chamber on its 2006 CityTrip to New York City.

ADOPTED

060554 [Commending Cleopatra Vaughns]
Supervisor Ma

Resolution commending Cleopatra Vaughns and acknowledging her tremendous contributions to the San Francisco Municipal Transportation Agency.

ADOPTED

060577 **[Final Map for a 48 Unit Commercial/Residential Condominium Project - 201 Sansome Street]**

Motion approving Final Map of 201 Sansome Street, A Commercial/Residential Condominium Project, being a subdivision of Lot 005 in Assessor's Block No. 0260, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,972; District 3.)

APPROVED

060579 **[Final Map for a 9 Unit Commercial/Residential Condominium Project - 334 6th Street]**

Motion approving Final Map of 334 6th Street, A Commercial/Residential Condominium Project, being a subdivision of Lot 005 in Assessor's Block No. 3754, and adopting findings pursuant to the City's General Plan and priority policies of Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,985; District 6.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

Severed From the Without Reference to Committee Agenda

060121 **[Incorporating Street Performers into the Street Artist Program and designating sound appropriate sales areas for certified Street Artists]**

Supervisor McGoldrick

Resolution recognizing that qualified Street Performers are eligible to participate in the Street Artist Program and urging the designation of sales areas within the Program that are appropriate for amplified sound.

Supervisor McGoldrick moved, seconded by Supervisor Ammiano to rescind the previous vote.

Supervisors Maxwell, Dufty, Sandoval and Alioto-Pier were excused.

REFERRED to the City Operations and Neighborhood Services Committee by the following vote:

Ayes: 7 - Ammiano, Daly, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin
Excused: 4 - Alioto-Pier, Dufty, Maxwell, Sandoval

060545 **[Urging the San Francisco Police Commission ensure the new reform policy includes rigorous oversight to prevent misconduct of its police officers]**

Supervisor Ammiano

Resolution urging the San Francisco Police Commission ensure thorough methods of oversight of misconduct issues in the new reform policy submitted by the San Francisco Police Department.

Supervisor Ammiano requested that this matter be severed so that it might be considered separately.

Amendment of the Whole

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

060545 **[Urging the San Francisco Police Commission ensure the new reform policy includes rigorous oversight to prevent misconduct of its police officers]**

Supervisor Ammiano

Resolution urging the San Francisco Police Commission ensure thorough methods of oversight of misconduct issues in the new reform policy submitted by the San Francisco Police Department.

Supervisor Ammiano requested that this matter be severed so that it might be considered separately.

Amendment of the Whole

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Resolution urging the San Francisco Police Commission to ensure thorough methods of oversight of performance issues, along with adequate technological and personnel support, in the implementation of an Early Intervention System, by the San Francisco Police Department.

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved that this Resolution be ADOPTED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

060548 **[Phillip and Sala Burton Human Rights Center]**

Supervisors Peskin, Dufty, Daly, McGoldrick, Mirkarimi, Ma

Resolution supporting the two-year development plan for the Phillip and Sala Burton Human Rights Center and declaring June 1st, 2006 Phillip and Sala Burton Day in San Francisco.

Supervisor McGoldrick requested that this matter be severed so that it might be considered separately.

Supervisors McGoldrick, Mirkarimi and Ma requests to be added as cosponsors

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

060578 **[Final Map for a 104 Unit Commercial/Residential Condominium Project - 690 Market Street]**

Motion approving Final Map of 690 Market Street, a Commercial / Residential Condominium Project, being a subdivision of Lot 006 in Assessor's Block No. 0311, and adopting findings pursuant to the City's General Plan and priority policies of Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,993; District 3.)

Supervisor Peskin requested that this matter be severed so that it might be considered separately.

Supervisor Peskin severed this item to make a clerical correction on agenda, "District 6" should be "District 3"

Motion No. M06-42

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

OFF-AGENDA LEGISLATION

DOCUMENTS DEPT.
MAY - 5 2006
SAN FRANCISCO
PUBLIC LIBRARY

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved that this Resolution be ADOPTED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

060548 [Phillip and Sala Burton Human Rights Center]
Supervisors Peskin, Dufty, Daly, McGoldrick, Mirkarimi, Ma

Resolution supporting the two-year development plan for the Phillip and Sala Burton Human Rights Center and declaring June 1st, 2006 Phillip and Sala Burton Day in San Francisco.

Supervisor McGoldrick requested that this matter be severed so that it might be considered separately.

Supervisors McGoldrick, Mirkarimi and Ma requests to be added as cosponsors

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

060578 [Final Map for a 104 Unit Commercial/Residential Condominium Project - 690 Market Street]

Motion approving Final Map of 690 Market Street, a Commercial / Residential Condominium Project, being a subdivision of Lot 006 in Assessor's Block No. 0311, and adopting findings pursuant to the City's General Plan and priority policies of Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,993; District 3.)

Supervisor Peskin requested that this matter be severed so that it might be considered separately.

Supervisor Peskin severed this item to make a clerical correction on agenda, "District 6" should be "District 3"

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

060566 [Eliminating the Trial Courts Cash Revolving Fund]

Ordinance amending the San Francisco Administrative Code by repealing Section 10.140, to eliminate the Trial Court Cash Revolving Fund. (City Attorney)

4/19/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060567 **[Settlement of Lawsuit - Eliana Martella]**

Ordinance authorizing settlement of the lawsuit filed by Eliana Martella against the City and County of San Francisco for $175,000; the lawsuit was filed on July 22, 2004 in Superior Court, Case No. CGC-04433236; entitled Eliana Martella, et al., v. City and County of San Francisco, et al; other material terms of said settlement are the reduction of the San Francisco General Hospital lien from $17,829.64 to $12,829.64. (City Attorney)

4/18/06, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

060568 **[Extension of One Year Tolling Agreement between Daly City and San Francisco]**

Resolution approving one year extension of mutual tolling agreement between the City of Daly City ("Daly City") and the City and County of San Francisco ("San Francisco"). (City Attorney)

4/19/06, RECEIVED AND ASSIGNED to Rules Committee.

060569 **[Settlement of Claim - Daly City]**

Resolution approving Settlement of Claim by City and County of San Francisco ("San Francisco") against the City of Daly City ("Daly City" (City Attorney)

4/19/06, RECEIVED AND ASSIGNED to Rules Committee.

060574 **[Lease of Real Property at 1380 Howard Street]**

Resolution authorizing the renewal and expansion of a lease of 79,950 sq. ft. of space at 1380 Howard Street for the Department of Public Health. (Real Estate Department)

4/24/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

The meeting adjourned at 5:15 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

Tuesday, May 16, 2006 2:00 PM

DOCUMENTS DEPT.
MAY 18 2006
SAN FRANCISCO
PUBLIC LIBRARY

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

F
90
69
5/16/06

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin, Mirkarimi, Elsbernd	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano	1st and 3rd Monday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll Supervisor Alioto-Pier was noted absent.

There was a quorum.
Supervisor Alioto-Pier was present at 2:09 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to approve the April 11, 2006 and April 18, 2006 Board Meeting Minutes and Special Board of Supervisors Meeting of the April 12, 2006 Budget and Finance Committee.. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

AGENDA CHANGES

COMMUNICATIONS

Gloria L. Young, Clerk of the Board, informed the Board that the Clerk of the Board's Office was in receipt of a communication from the Mayor vetoing File No. 060250 legislation establishing Saturday closure of roads in Golden Gate Park.
The matter will be on the May 23, 2006 Board agenda for consideration.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

060476 **[Cash Revolving Funds - Commission on the Environment]**
Mayor

Ordinance amending the Administrative Code by deleting Section 10.169-12.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

060203 **[Tunnel Avenue Weight Restrictions]**
Ordinance amending Section 28.2 of the San Francisco Traffic Code to extend restrictions on certain vehicles over 18,000 pounds for two blocks of Tunnel Avenue south of Blanken Avenue. (Parking and Traffic Department)

FINALLY PASSED

060162 **[Amending the Traffic Code to establish a single consolidated list of weight-restricted streets]**
Supervisor Maxwell

Ordinance amending the Traffic Code by repealing Sections 28.4 and 28.5, amending Sections 28.1 and 28.1.19, renumbering Sections 28.5.1 through 28.5.59 as 28.1.110 through 28.1.165, and adding new Sections 28.1.166 through 28.1.170 to: correct obsolete references to Army Street; establish a consolidated list of weight-restricted streets on which vehicles with a gross vehicle weight of 6000 pounds or more are, with specified exceptions, prohibited; add Ledyard Street between Silver Avenue and Thornton Avenue, Vesta Street between Thornton Avenue and Williams Avenue, Scotia Avenue between Silver Avenue and Thornton Avenue and Thornton Avenue between Bayshore Boulevard and 3rd Street to the list of restricted streets; and clarify the exceptions applicable to weight restricted-street requirements. (Parking and Traffic Department)

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

060593 **[Waiving fees for banners to be placed by the Mayor's Memorial Day Citizens Committee to publicize an event or events to commemorate Memorial Day 2006 in San Francisco]**
Supervisor Peskin

Ordinance waiving banner fees under San Francisco Public Works Code Section 184.78 for up to 60 banners to be placed by the Mayor's Memorial Day Citizens Committee to publicize an event or events commemorating Memorial Day 2006 in San Francisco.

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

060354 **[Approving General Plan amendments to South Bayshore Area Plan]**
Supervisor Maxwell

Ordinance approving General Plan amendments to the South Bayshore Area Plan; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

060393 **[Prohibiting Smoking on Golf Courses]**
Supervisors McGoldrick, Ammiano

Ordinance amending Section 1009.81 of the Health Code to prohibit smoking on golf courses.

(Fiscal impact.)
(Supervisors Peskin and Elsbernd dissented in Committee.)

FINALLY PASSED by the following vote:
Ayes: 6 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi
Noes: 4 - Elsbernd, Ma, Peskin, Sandoval
Absent: 1 - Alioto-Pier

From the Budget and Finance Committee Without Recommendation

060474 **[Appropriating $3,187,130 of Hetch Hetchy Unappropriated Fund Balance to defend the City and County of San Francisco's rights for services it receives from PG&E]**
Mayor

Ordinance appropriating $3,187,130 of Unappropriated Fund Balance to support Legal Services in Hetch Hetchy Water & Power Department for Fiscal Year 2005-06.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the City Operations and Neighborhood Services Committee Without Recommendation

060013 [Amending the Police Code to allow pawnbrokers to operate on Mondays following a holiday]
Supervisor Ma

Ordinance amending Section 2809 of the San Francisco Police Code to allow pawnbrokers to operate on Mondays following a holiday, and to make clerical corrections.

FINALLY PASSED by the following vote:
Ayes: 7 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, Sandoval
Noes: 4 - Ammiano, McGoldrick, Mirkarimi, Peskin

060672 [Amending the Police Code to allow pawnbrokers to operate on Sundays]

Ordinance amending Section 2809 of the San Francisco Police Code to allow pawnbrokers to operate on Sundays and to make clerical corrections.

FINALLY PASSED by the following vote:
Ayes: 6 - Alioto-Pier, Daly, Elsbernd, Ma, Maxwell, Sandoval
Noes: 5 - Ammiano, Dufty, McGoldrick, Mirkarimi, Peskin

060443 [Prohibition on condominium conversion for buildings where specified evictions occurred]
Supervisors Peskin, Ammiano, Daly, Maxwell

Ordinance amending the Subdivision Code to add Section 1396.2 to prohibit condominium conversion for a building where specified evictions occurred and making findings, including environmental findings.

Supervisor Mirkarimi was previously excused from voting on this matter.

FINALLY PASSED by the following vote:
Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Elsbernd, Ma
Excused: 1 - Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

060334 [Child Care Services Contract Approval - Children's Council of San Francisco]

Resolution approving the contract between the City and County of San Francisco and the Children's Council of San Francisco to provide child care services, for the period from July 1, 2006 to June 30, 2012, in the amount of $269,624,515. (Human Services Department)

(Fiscal impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060566 **[Eliminating the Trial Courts Cash Revolving Fund]**

Ordinance amending the San Francisco Administrative Code by repealing Section 10.140, to eliminate the Trial Court Cash Revolving Fund. (Controller)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Government Audit and Oversight Committee

051519 **[Grants for the Arts in charge of administration of Nonprofit Performing Arts Loan Program]**

Mayor

Ordinance amending Sections 50.2, 50.10, 50.11 and 50.21 of the San Francisco Administrative Code concerning the Nonprofit Performing Arts Loan Program to transfer administration of the program from the Mayor's Office of Housing to the Grants for the Arts and allowing Grants for the Arts to establish criteria for loan forgiveness and issue other related regulations and agreements and amending Section 10.100-119 of the San Francisco Administrative Code to clarify that the Fund shall be used for construction project management, capital improvement and acquisition loans to nonprofit performing arts organizations under Chapter 50 of the Administrative Code.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Rules Committee

060224 **[Requirement to provide minimum information for environmental evaluation application and initial study]**

Supervisor Peskin

Ordinance amending the San Francisco Administrative Code by amending Section 31.10 to require certain minimum information to be provided in an environmental evaluation application and an initial study under the California Environmental Quality Act.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

Supervisor McGoldrick was noted absent at 3:15 p.m.
Supervisor Daly was noted absent at 4:30 p.m.

060559 [Public Hearing - May 9, 2006 Amendments Redevelopment Plan - Bayview Hunters Point Redevelopment Project]

Hearing to consider amendments to the Redevelopment Plan for the Bayview Hunters Point Redevelopment Project area presented by the Redevelopment Agency at the May 9, 2006 Board of Supervisors meeting.

The President inquired as to whether or not any member wished to address the Board members.
Francisco Da Costa; opposed to the amendments to the Bayview Hunters Point Redevelopment Plan
Dr. Ashimia Porter Sumchai, M.D.; opposed to the Bayview Hunters Point Redevelopment Plan
Doris Vincent; support of amendments to the Bayview Hunters Point Redevelopment Plan
Espanola Jackson; requested an audit be done on this project
Female speaker; support of amendments to the Bayview Hunters Point Redevelopment Plan
Michael Hammond; support of the amendments to the Bayview Hunters Point Redevelopment Plan
Michael Lydon; opposed to the Bayview Hunters Point Redevelopment Plan
Kevin Lettman; opposed to the Bayview Hunters Point Redevelopment Plan
Ulysses J. Montgomery; opposed to the amendments to the Bayview Hunters Point Redevelopment Plan
Jesse Winham; support of the amendments to the Bayview Hunters Point Redevelopment Plan
Michael Strauss; opposed to the amendments to the Bayview Hunters Point Redevelopment Plan
Ed Donaldson; support of the amendments to the Bayview Hunters Point Redevelopment Plan
Jocelyn; support of the amendments to the Bayview Hunters Point Redevelopment Plan
Sam Thomas; support of the amendments to the Bayview Hunters Point Redevelopment Plan
Patricia Norton; support of the amendments to the Bayview Hunters Point Redevelopment Plan
Lauren Noret; opposed to the amendments to the Bayview Hunters Point Redevelopment Plan
Clarence Spears; support of the amendments to the Bayview Hunters Point Redevelopment Plan
Franklin Lee Ross; support of the amendments to the Bayview Hunters Point Redevelopment Plan
Michelle; requested clarification of the 4th proposed amendment relating to the frequency of performance audits
Marcus; support of the amendments to the Bayview Hunters Point Redevelopment Plan
Robert Franklin; support of the amendments to the Bayview Hunters Point Redevelopment Plan
Olvin Woods; opposed to the amendments to the Bayview Hunters Point Redevelopment Plan and the process
Laronda Smith; support of the amendments to the Bayview Hunters Point Redevelopment Plan
Brenda Smith; support of the amendments to the Bayview Hunters Point Redevelopment Plan
Alvin Jones; opposed to the amendments to the Bayview Hunters Point Redevelopment Plan
Katrina; support of the amendments to the Bayview Hunters Point Redevelopment Plan
Maurice Handle; expressed concern with proposed amendments and the process
Maria Garrison; opposed to the amendments to the Bayview Hunters Point Redevelopment Plan
Carol Harvey; opposed to the amendments to the Bayview Hunters Point Redevelopment Plan
Al Monk; support of the amendments to the Bayview Hunters Point Redevelopment Plan
Ena Aguirre; expressed concern with the amendments to the Bayview Hunters Point Redevelopment Plan
Oscar James; support of the amendments to the Bayview Hunters Point Redevelopment Plan
Devon Richards; support of the amendments to the Bayview Hunters Point Redevelopment Plan
Pastor Walker; expressed concern with the amendments to the Bayview Hunters Point Redevelopment Plan
Eileen Garrison; opposed to the amendments to the Bayview Hunters Point Redevelopment Plan
Terry Fry; opposed to the amendments to the Bayview Hunters Point Redevelopment Plan
Brian O'Flynn; opposed to the amendments to the Bayview Hunters Point Redevelopment Plan
Ollie Burgess; support of the amendments to the Bayview Hunters Point Redevelopment Plan
Willie Ratcliff; opposed to the amendments to the Bayview Hunters Point Redevelopment Plan
Male speaker; support of the amendments to the Bayview Hunters Point Redevelopment Plan
Ace Washington; opposed to the amendments to the Bayview Hunters Point Redevelopment Plan
Ms. Colbert; opposed of the amendments to the Bayview Hunters Point Redevelopment Plan

HEARD AT PUBLIC HEARING.

Supervisors McGoldrick and Daly Excused

Supervisor Elsbernd, seconded by Supervisor Sandoval, moved Supervisors McGoldrick and Daly were excused from the remainder of the meeting. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, McGoldrick

Committee of the Whole Adjourn and Report Without Recommendation

Supervisor Maxwell, seconded by Supervisor Dufty, moved to adopt the San Francisco Redevelopment Agency's findings relating to the written objections and directing the Clerk of the Board to prepare findings. Motion to adopt he San Francisco Redevelopment Agency's findings relating to the written objections and directing the Clerk of the Board to prepare findings carried without objection.

060343 **[Adopting the Redevelopment Plan for the Bayview Hunters Point Redevelopment Project]**
Supervisor Maxwell

Ordinance approving and adopting the Redevelopment Plan for the Bayview Hunters Point Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law.

(Fiscal impact.)
(4/26/06 - Recommended subject to the following issues being resolved: periodic audit, timing of funding, historic resource survey issue, delegation agreement, longevity of the project area committee, appealing decisions from the Commission related to land use entitlement to the Board of Supervisors.)

Amended to insert a New Section: "to require performance audits to be done no less frequently than every three years."

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, McGoldrick

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 3 - Ammiano, Mirkarimi, Sandoval
Excused: 2 - Daly, McGoldrick

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Elsbernd, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

Supervisor Peskin welcomed, introduced and presented a Certificate of Honor to Jimmy Hunter.

SPECIAL ORDER 4:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

060638 **[Hearing - Emergency ordinance reenacting a Disadvantaged Business Enterprise Program]**

Hearing to consider the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency. (Clerk of the Board)

The President of the Board inquired as to whether or not any member of the public wished to address the Board members.
There were none.
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

060637 **[Reenacting a Disadvantaged Business Enterprise Program]**
Supervisor Ma

Emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, McGoldrick

SPECIAL ORDER 4:00 P.M.

Supervisor Sandoval noted absent at 5:20 p.m.

060550 **[Public Hearing - Appeal of Final Environmental Impact Report for Sunol/Niles Dam Removal Project at Alameda County]**

Hearing of persons interested in or objecting to the Planning Commission's April 6, 2006, certification of a Final Environmental Impact Report identified as Planning File No. 2001.1149E, through its Motion 17217, for a proposed Sunol/Niles Dam Removal Project, located in unincorporated S.F.Public Utilities Commission property, Alameda County, at the Niles Canyon Reach of Alameda Creek at River Mile 16.2 (Sunol Dam) and River Mile 12.8 (Niles Dam). (Appellant: Audrey A. Beaman, Deputy County Counsel, County of Alameda, California.)

(Date Filed: 4/26/06; companion measure to Files 060551, 060552, 060553.)

The President of the Board inquired as to whether or not any member of the public wished to address the Board members.
Counsel for Alameda County, Appellant
Paul Maltzer, Planning Department and Diane Sokolove, Planning Department reviewed the Planning Department's recommendation.
Rebuttal Period:
Appellant
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

(Only one of the following two motions should be adopted.)

060551 **[Affirm certification of Sunol/Niles Dam Removal Project FEIR]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the Sunol/Niles Dam Removal Project. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 2 - Daly, McGoldrick

060552 **[Disapprove certification of Sunol/Niles Dam Removal Project FEIR]**

Motion disapproving the certification by the Planning Commission of the Final Environmental Impact Report for Sunol/Niles Dam Removal Project. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 2 - Daly, McGoldrick

060553 **[Preparation of findings to disapprove certification of Sunol/Niles Dam Removal Project FEIR]**
Motion directing the Clerk of the Board to prepare findings disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the Sunol/Niles Dam Removal FEIR. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 2 - Daly, McGoldrick

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with homeless issues
James Chaffee; expressed concern with issues relating to the San Francisco Public Library
Walter; showed interest in the Bay to Breakers
Eugene Gordon, Jr., expressed concern with issues relating human rights
Jim Adams; showed interest in establishing a San Francisco Peace Commission
John Di Donna; showed interest in employment for African American men
Mr. Powell; expressed concern with the issuing of building permits
Male speaker; expressed concern with issues relating to evictions
Sharon Goginer; showed interest in the HIV Aids housing
Female speaker; showed interest with issues relating to housing
Joe Braverman; showed interest with an invention
Espanola Jackson: expressed concern with environmental issues at Bay View Hunter's Point
Nikki; showed interest in housing alliance
Francisco da Costa; expressed concern environmental issues at Bay View Hunter's Point
Robert Haaland; showed interest and support of the proposed resolution relating to the Compton Cafeteria Riots Transgender Civil Rights Movement
Dr. Ashimia Porter Sumchai, M.D.; expressed concern with issues relating to the Office of Emergency Services
Martin Collins; showed interest and support of the proposed resolution relating to the Compton Cafeteria Riots Transgender Civil Rights Movement
Cecilia Chong; showed interest and support of the proposed resolution relating to the Compton Cafeteria Riots Transgender Civil Rights Movement

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

CLOSED SESSION

CONFERENCE WITH CITY LABOR NEGOTIATORS

060288 **[Closed Session - Conference with City's Labor Negotiators (Collective Bargaining)]**

Motion that the Board of Supervisors convene in closed session with the City's Labor Relations Negotiators, the Mayor and the Director of Human Resources, for the purpose of reviewing the City's positions in the pending labor negotiations with organizations representing the City employee groups.

This closed session is permitted by Government Code Section 54957.6, and San Francisco Administrative Code Section 67.8.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved to convene in Closed Session. The motion carried by the following vote:

Ayes: 7 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin
Excused: 4 - Alioto-Pier, Daly, McGoldrick, Sandoval

CLOSED SESSION

The Board recessed at the hour of 5:30 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 6:00 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin - 7

Persons in attendance: Supervisors Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin

Supervisors Alioto-Pier and Sandoval were excused.

Cheryl Adams, Deputy City Attorney
Monique Zmuda, Controller's Office
Phil Ginsburg, Director, Human Resources Department
Micki Callahan, Department of Human Resources
Gloria L. Young, Clerk of the Board
Kay Gulbengay, Deputy Clerk

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the pending City Labor Negotiations. (Collective Bargaining)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved not to disclosed its Closed Session deliberations. The motion carried by the following vote:

Ayes: 7 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin
Excused: 4 - Alioto-Pier, Daly, McGoldrick, Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

060661 [Emergency Disadvantaged Business Enterprise Program - May 16, 2006, Committee of the Whole]
Supervisor Ma

Motion for the Board of Supervisors to convene as a committee of the whole on May 16, 2006, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

APPROVED

060655 [Committee of the Whole-May 23, 2006 - 3:30 p.m. Interim Zoning Moratorium on New Check Cashing and Payday Lender Uses]
Supervisor Ammiano

Motion for the Board of Supervisors to convene as a committee of the whole on May 23, 2006, at 3:30 p.m. to accept public testimony concerning the possible adoption of an urgency ordinance extending the interim zoning moratorium for three months on new check cashing and payday lender uses and making required findings, including findings related to the imposition of an interim zoning moratorium, findings of consistency with the priority planning policies of Planning Code Section 101.1, and environmental findings.

APPROVED

060656 [Urging the San Francisco Unified School District Board meetings be televised on SFGTV Channel 26]
Supervisors Ammiano, Alioto-Pier, Mirkarimi

Resolution urging the San Francisco Unified School District (SFUSD), the San Francisco Board of Supervisors, DTIS and the Mayor's Office collaborate to finalize a plan and the funding necessary to televise the SFUSD Board Meetings on SFGTV Channel 26.

Supervisor Mirkarimi requested to be added as a co-sponsor.

ADOPTED

060657 [Reauthorization of the Ryan White Care Act]
Supervisors Ammiano, Dufty, Mirkarimi

Resolution affirming that the San Francisco Board of Supervisors endorses "The Consolidated Statement on Key Principles for Reauthorization of the Ryan White CARE Act as proposed by Health and Human Services (HHS)."

Supervisor Mirkarimi requested to be added as a co-sponsor.
ADOPTED

060658 [Authorizing Application for BEGIN Funds]
Supervisors Daly, Maxwell

Resolution authorizing the submittal of applications to the California State Department of Housing and Community Development for funding under the BEGIN Program; the execution of one or more standard agreements if selected for such funding and any amendments thereto; the execution of one or more designation agreements if selected for such funding and any amendments thereto; the execution of any related documents necessary to participate in the BEGIN Program.

ADOPTED

060659 [Commending Marty Pulvers]
Supervisor Elsbernd

Resolution commending Marty Pulvers on his contribution to the small business community of the City and County of San Francisco.

ADOPTED

060662 [Declaring May 2006 Foster Care Month]
Supervisor Maxwell

Resolution declaring May 2006 Foster Care Month and urges all community members to volunteer their talents and energies to honor children and youth in foster care and foster care alumni during this month and throughout the year.

ADOPTED

060664 [Urging the FDA to document their press release stating marijuana has no medical use]
Supervisor Mirkarimi

Resolution urging the Food and Drug Administration to fully explain and support with scientific facts the agency's April 20, 2006 press release, which stated "no sound scientific studies supported medical use of marijuana for treatment in the United States, and no animal or human data supported the safety or efficacy of marijuana for general medical use."

ADOPTED

060665 [Designating Japantown as a Preserve America Neighborhood]
Supervisor Mirkarimi

Resolution supporting the application for the designation of San Francisco's Japantown as a Preserve America Neighborhood.

ADOPTED

060666 [Urging the U.S. Attorney General and the California Attorney General to consider the antitrust implications of the proposed acquisition of Knight Ridder Inc. by the McClatchy Company]
Supervisor Mirkarimi

Resolution urging the U.S. Attorney General and the California Attorney General to consider the antitrust implications of the proposed acquisition of Knight Ridder Inc. by the McClatchy Company.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Without Reference to Committee Agenda

Supervisor McGoldrick requested that this matter be severed so that it might be considered.

060663 [Commending Seamus Heaney]
Supervisors McGoldrick, Elsbernd

Resolution commending Seamus Heaney and declaring May 15, 2006 "Seamus Heaney Day" in San Francisco.

Supervisor Elsbernd requested to be added as a co-sponsor.

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor McGoldrick requested that this matter be severed so that it might be considered.

060660 [Call from Committee-Child Product Safety, File Number 060107]

Motion to Call File Number 060107, Child Product Safety, from the City Operations and Neighborhood Services Committee and setting a Committee of the Whole for May 23, 2006 at 4:00 PM.

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Sandoval
Noes: 2 - McGoldrick, Peskin

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Ammiano, seconded by Supervisor Dufty, moved moved the Purely Commendatory Finding. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, McGoldrick

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Ammiano, seconded by Supervisor Dufty, moved moved the Brown Act Finding. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, McGoldrick

060675 [Commemorating the Gene Compton's Cafeteria Riot of 1966]
Supervisors Daly, Ammiano, Dufty, Mirkarimi

Resolution recognizing the 1966 Gene Compton's Cafeteria Riot as a significant event in the history of San Francisco and the Lesbian, Gay, Bisexual, and Transgender Civil Rights Movement.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, McGoldrick

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

060611 [Settlement of Lawsuit - ARCO et al.]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against PS Trading for the payment to the Airport of environmental clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal). (City Attorney)

5/4/06, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

060615 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
South Van Ness Avenue, east side, from 92 to 122 feet south of Market Street.

TOW-AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - RESCIND
Bush Street, south side, from Grant Avenue to 130 feet westerly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Ellsworth Street, both sides, between 70 and 100 feet south of the south property line of 755 Ellsworth Street.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - RESCIND
Sanchez Street, east side, from 17th Street to 91 feet northerly.

2-HOUR TIME-LIMIT, 7 AM TO 6 PM, EXCEPT SATURDAY AND SUNDAY - ESTABLISH
Kansas Street, both sides, between 15th and 16th Streets (200 block).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Oak Street, south side, from Octavia Boulevard to 56 feet westerly (existing conditions).

RED (NO PARKING ANYTIME) ZONES - ESTABLISH
Hampshire Street, west side, from 26th Street to 15 feet northerly.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
2718 Bryant Street, west side, between the driveways for #2718 - 2722 and 2724 - 2726 Bryant Street, (12-foot section of curb between the driveways for these addresses, accommodating two motorcycle parking spaces).

NO PARKING ANYTIME - EXTEND
Ocean Avenue, south side, from 100 feet to 142 feet west of San Leandro Way (extends the "No Parking Anytime" regulation by 42 feet, eliminating parking meter # 591-24130). (Parking and Traffic Department)

(5/4/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3178).

5/4/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

060616 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Park Hill at Roosevelt Way, stopping Park Hill;
Laguna and Waller Streets, stopping Waller Street;
Second Street extension at King Street, stopping the northbound leg of Second Street at King Street;
26th and Hampshire Streets, stopping eastbound 26th Street, making this intersection a one-way STOP;
McKinnon Avenue and Lane Street, stopping eastbound McKinnon Avenue and northbound and southbound Lane Street, making this intersection an All-Way STOP;
22nd and Mississippi Streets, stopping southbound Mississippi Street; and,
19th and Pennsylvania Streets, stopping Pennsylvania at 19th Street, making this an All-Way STOP. (Parking and Traffic Department)

(5/4/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3178).

5/4/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

060617 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

ONE-WAY STREET (WESTBOUND) - ESTABLISH
Cleveland Street, between Sherman and 7th Streets

NO LEFT TURN OR NO U-TURNS - ESTABLISH
Cesar Chavez Street, westbound traffic at South Van Ness Avenue

ONE-WAY STREET (NORTHBOUND) - ESTABLISH
Ellsworth Street, from Crescent Avenue to a point approximately 890 feet southerly (extends the existing one-way regulation by 160 feet southerly)

STREET CLOSURE EXCEPT DURING SCHOOL SUMMER RECESS - ESTABLISH
Sherman Street, from Cleveland Street to 100 feet north of Harrison Street (250 feet). (City Attorney)

(5/4/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3178).

5/4/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

060618 **[Official Advertising - Type 1 consecutive day official advertising]**

Resolution designating the Examiner to be the official newspaper of the City and County of San Francisco for the category of Type 1 consecutive day official advertising, for the period commencing July 1, 2006 and ending June 30, 2007. (Purchaser)

5/5/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060619 **[Official Advertising - Type 2 non-consecutive day official advertising]**

Resolution designating the Examiner to be the official newspaper of the City and County of San Francisco for the category of Type 2 non-consecutive day official advertising, for the period commencing July 1, 2006 and ending June 30, 2007. (Purchaser)

5/5/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060626 **[Outreach Advertising - Outreach newspapers]**

Resolution designating El Latino to be the outreach newspaper of the City and County of San Francisco for the Hispanic community; San Francisco Bay View to be the outreach newspaper of the City and County of San Francisco for the African
American community; and, the San Francisco Bay Times to be the outreach newspaper of the City and County of San Francisco for the Lesbian Gay Bisexual Transgender community, to provide outreach advertising services for the fiscal year commencing July 1, 2006 and ending June 30, 2007.

5/5/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:05 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, May 23, 2006 2:00 PM

DOCUMENTS DEPT.
MAY 25 2006
SAN FRANCISCO
PUBLIC LIBRARY

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin, Mirkarimi, Elsbernd	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano	1st and 3rd Monday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll Supervisors Alioto-Pier, McGoldrick and Sandoval were noted absent.

There was a quorum.

Supervisors Sandoval and Alioto-Pier were noted present at 2:06 p.m.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

060566 **[Eliminating the Trial Courts Cash Revolving Fund]**

Ordinance amending the San Francisco Administrative Code by repealing Section 10.140, to eliminate the Trial Court Cash Revolving Fund. (Controller)

FINALLY PASSED

060497 **[Accept-Expend Bequest of Harvey V. Berneking Living Trust]**
Supervisor Elsbernd

Resolution authorizing the San Francisco Public Library to accept and expend a bequest in the amount of up to $500,000 from the Harvey V. Berneking Living Trust for public service improvements at the Main Library.

ADOPTED

Recommendation of the Government Audit and Oversight Committee

051519 **[Grants for the Arts in charge of administration of Nonprofit Performing Arts Loan Program]**
Mayor

Ordinance amending Sections 50.2, 50.10, 50.11 and 50.21 of the San Francisco Administrative Code concerning the Nonprofit Performing Arts Loan Program to transfer administration of the program from the Mayor's Office of Housing to the Grants for the Arts and allowing Grants for the Arts to establish criteria for loan forgiveness and issue other related regulations and agreements and amending Section 10.100-119 of the San Francisco Administrative Code to clarify that the Fund shall be used for construction project management, capital improvement and acquisition loans to nonprofit performing arts organizations under Chapter 50 of the Administrative Code.

(Fiscal impact.)

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

060499 **[Stop signs - Chenery Street at Fairmount Street]**
Supervisor Dufty

Resolution designating the intersection of Chenery Street at Fairmount Street as a "STOP" intersection.

(4/24/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

ADOPTED

060540 **[STOP Intersections]**
Supervisor Dufty

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS – ESTABLISH
Elizabeth and Noe Streets, stopping Noe Street at Elizabeth Street, making this intersection an All-Way STOP.

(4/26/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

ADOPTED

060541 [Parking Regulations]
Supervisor Dufty

Resolution enacting and rescinding parking regulations at various locations.

GREEN ZONE (10 MINUTE TIME LIMIT), 6 AM TO 10 AM, DAILY – ESTABLISH
"297" Duncan Street, south side, from 18 feet to 57 feet, east of Church Street (39-foot zone)

GREEN ZONE (10 MINUTE TIME LIMIT), 9 AM TO 6 PM, MONDAY THROUGH SATURDAY – RESCIND
GREEN ZONE (10 MINUTE TIME LIMIT), 6 AM TO 7 PM, DAILY – ESTABLISH
"299" Duncan Street, south side, from Church Street to 18 feet easterly (18-foot zone)

(4/26/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

ADOPTED

060604 [Accept-Expend State Grant - Municipal Transportation/Department of Public Works]
Supervisor Dufty

Resolution authorizing the Director of Transportation of the Municipal Transportation Agency (or his designee) and the Director of the Department of Public Works to accept and expend state Transportation Act (TDA) Article 3 funds totaling $907,651 for FY 2006-07 for various pedestrian and bicycle projects in the City and County of San Francisco.

ADOPTED

Recommendations of the Rules Committee

060224 [Requirement to provide minimum information for environmental evaluation application and initial study]
Supervisor Peskin

Ordinance amending the San Francisco Administrative Code by amending Section 31.10 to require certain minimum information to be provided in an environmental evaluation application and an initial study under the California Environmental Quality Act.

FINALLY PASSED

060407 [Appointment - Western SoMa Citizens' Planning Task Force]
Resolution appointing Bonnie D'Amico, term ending November 23, 2007, to the Western SoMa Citizens' Planning Task Force.

Bonnie D'Amico, succeeding Frank McGrath, resigned, seat 7, must operate a local business in western SoMa, for the unexpired portion of a three-year term ending November 23, 2007.

ADOPTED

060636 **[Appointment - Power Plant Task Force]**

Resolution appointing Philip De Andrade, Karen Pierce, Richard Millet, L. Joseph Boss, Steven Moss, and Al Collins, terms ending November 1, 2006, to the Power Plant Task Force.

Philip De Andrade, succeeding himself, term expired, seat 1, must be a resident of the Mission Bay area, for the unexpired portion of a one-year term ending November 1, 2006.
Karen Pierce, succeeding herself, term expired, seat 2, must be a resident of the Bayview Hunters Point area, for the unexpired portion of a one-year term ending November 1, 2006.
Richard Millet, succeeding himself, term expired, seat 3, must be a resident of the Potrero Hill area, for the unexpired portion of a one-year term ending November 1, 2006.
L. Joseph Boss, succeeding himself, term expired, seat 4, must be a resident of the Central Waterfront area, for the unexpired portion of a one-year term ending November 1, 2006.
Steven Moss, succeeding himself, term expired, seat 7, must be the executive director of the San Francisco Community Power Coop or his/her designee, for the unexpired portion of a one-year term ending November 1, 2006.
Al Collins, succeeding Dana Lanza, term expired, seat 9, must be the executive director of Literacy for Environmental Justice or his/her designee, for the unexpired portion of a one-year term ending November 1, 2006.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin
Absent: 3 - Alioto-Pier, McGoldrick, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

060250 [Closing specified streets in Golden Gate Park on Saturdays on a trial basis for six months beginning approximately on Memorial Day Weekend 2006]
Supervisors McGoldrick, Mirkarimi, Peskin, Sandoval, Ammiano

Ordinance adding Section 6.12 to the San Francisco Park Code to prohibit, on a trial basis for six months, motor vehicle traffic on Saturdays in Golden Gate Park on John F. Kennedy Drive between Kezar Drive and Transverse Drive; Arguello Boulevard; Conservatory Drive East and Conservatory Drive West; 8th Avenue; Bowling Green Drive between John F. Kennedy Drive and Middle Drive East; and Stow Lake Drive between Stow Lake Drive East and John F. Kennedy Drive; to require reports from the Recreation and Park Department and Department of Parking and Traffic pertaining to the Saturday road closures; to require the Golden Gate Park Concourse Authority to share its own data and reports that are relevant to the Saturday road closures with the aforementioned departments; to require a hearing on the Saturday road closures before the Board of Supervisors or a Board committee; and making environmental findings.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.
The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on May 15, 2006. Therefore, the Board will loose the ability to override the veto unless it votes on the veto override on or before June 14, 2006.

Consideration of the Mayor's Veto.
Motion to override the Mayor's veto failed by the following vote:
Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma

From the Board

060684 [Adopting findings related to the Bayview Hunters Point Redevelopment Plan]
Supervisor Maxwell

Motion adopting findings in response to written objections to adoption of the Bayview Hunters Point Redevelopment Plan delivered to the Clerk of the Board of Supervisors before or at the public hearing on adoption of the Plan, pursuant to the requirements of redevelopment law.

APPROVED by the following vote:
Ayes: 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin
Noes: 4 - Ammiano, Daly, Mirkarimi, Sandoval

060343 [Adopting the Redevelopment Plan for the Bayview Hunters Point Redevelopment Project]
Supervisor Maxwell

Ordinance approving and adopting the Redevelopment Plan for the Bayview Hunters Point Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law.

(Fiscal impact.)
(4/26/06 - Recommended subject to the following issues being resolved: periodic audit, timing of funding, historic resource survey issue, delegation agreement, longevity of the project area committee, appealing decisions from the Commission related to land use entitlement to the Board of Supervisors.)

FINALLY PASSED by the following vote:
Ayes: 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin
Noes: 4 - Ammiano, Daly, Mirkarimi, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

060475 **[Public Employment - Mayor's Office of Economic and Workforce Development]**
Mayor

Ordinance amending Ordinance No. 204-05 (Annual Salary Ordinance No. 204-05 (Annual Salary Ordinance 2005/2006) to reflect the creation of three (3) positions in the Mayor's Office of Economic and Workforce Development.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060495 **[Grant of Federal Funds - Municipal Transportation Authority]**
Supervisor Ma

Resolution authorizing the Municipal Transportation Agency to accept and expend $2,851,800 of Transit Security Grant Program funds to create a sustainable effort for the protection of regional transit systems critical infrastructure from terrorism, excluding administrative overhead costs.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the City Operations and Neighborhood Services Committee

060708 **[Paratransit Reimbursement - Taxi Meter Rates]**
Supervisor Alioto-Pier

Ordinance amending Article 16, Section 1137.5 of the San Francisco Police Code to extend the taxi meter rate offset for the paratransit program to June 30, 2006.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

060479 **[Zoning Map Amendment, 645 Howard Street]**
Supervisor Daly

Ordinance amending Zoning Map Sheet IH of the City and County of San Francisco for property located at Block 3735, Lot 047, to change the height and bulk district classification from 150-S to 250-S; adopting findings pursuant to the California Environmental Quality Act; and adopting findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060480 **[General Plan Amendment, 645 Howard Street]**
Supervisor Daly

Ordinance amending Map 5 (Proposed Height and Bulk Districts) of the Downtown Area Plan of the General Plan of the City and County of San Francisco to change the height and bulk district classification of the property located at Block 3735, Lot 047 from 150-S to 250-S; adopting findings pursuant to the California Environmental Quality Act; and adopting findings of consistency with the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060142 **[Public Works Code – sidewalk landscape permits]**
Mayor, Supervisor Alioto-Pier

Ordinance amending the Public Works Code by amending Sections 801, 811, and 812 to recognize sidewalk landscaping as an important contributor to the City's quality of life, to provide for fines and penalties for violating this Ordinance, and to include Arborist Technician in the list of designated employees that can enforce the Urban Forestry Ordinance, respectively; by adding Section 810B to establish a permit process for sidewalk landscape installation and removal, including permit fees and procedures to adjust fees on an annual basis; and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051521 **[Designate 150 Otis Street, the Juvenile Court and Detention Home, as Landmark No. 248]**
Supervisor Peskin

Ordinance designating 150 Otis Street, the Juvenile Court and Detention Home, as Landmark No. 248 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)

Supervisor Daly was previously excused from voting on this matter.
PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

Recommendation of the Select Committee on Ending Gun and Gang Violence

060086 [Providing for public notice of installation of community safety cameras]
Supervisor Mirkarimi

Ordinance amending the San Francisco Administrative Code by adding Chapter 19, Sections 19.1 through 19.8, to regulate the installation of community safety cameras, prescribe a notification and approval process for the installation of cameras, and establish protocols for oversight and access to video recordings.

Amended on page 1, line 23 after "monitoring systems" by inserting "traffic reporting cameras".

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Continued to June 6, 2006
Supervisor Elsbernd requested to be added as a co-sponsor.

CONTINUED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Rules Committee

060386 [55-year Seismic Safety Retrofit Loan Program Loans]
Supervisors Dufty, Mirkarimi, Ammiano

Ordinance amending San Francisco Administrative Code Sections 66.1, 66.3, 66.4, 66.5, 66A.2, 66A.4, 66A.13, 66A.24, 66A.25, and 66A.26 to allow for 55-year term Seismic Safety Retrofit Loan Program loans, to name the Mayor's Office of Housing as the Seismic Safety Retrofit Loan Program Administrator, and to make certain administrative clarifications.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recess

The Board recessed at the hour of 2:59 p.m.

Reconvening of the Board

The Board reconvened at the hour of 3:35 p.m.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Sandoval - 8

Supervisors McGoldrick and Dufty were noted present at 3:38 p.m.
Supervisor Daly was noted present at 3:40 p.m.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Maxwell, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Peskin welcomed, introduced and presented a Certificate of Honor to the Director, Department of Public Works in recognition of Department of Public Works Week.

Supervisors Dufty, Ma, Mirkarimi, Ammiano, McGoldrick, Alioto-Pier expressed gratitude to the staff of Department of Public Works.

Supervisor Maxwell welcomed, introduced and presented a Certificate of Honor to Gwynn Strain, founder of Families in Need.

Supervisor Alioto-Pier welcomed, introduced and presented a Certificate of Honor to the Director of the Exploratorium.

SPECIAL ORDER 3:30 P.M.

Board of Supervisors Sitting as a Committee of the Whole

Supervisor McGoldrick noted absent at 3:55 p.m.

060651 **[Hearing - Interim zoning moratorium for three months on new check cashing and payday lender uses]**

Hearing to consider the possible adoption of an urgency ordinance extending the interim zoning moratorium for three months on new check cashing and payday lender uses and making required findings, including findings related to the imposition of an interim zoning moratorium, findings of consistency with the priority planning policies of Planning Code Section 101.1, and environmental findings. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board.
Female speaker
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

060641 **[Zoning -Three-Month Extension of Interim Moratorium on New Check Cashing and Pay Day Lender Uses]**

Supervisor Ammiano

Urgency Ordinance approving a three-month extension of the interim zoning moratorium on new check cashing and pay day lender uses and making required findings, including findings related to the imposition of an interim moratorium, findings of consistency with the priority policies of Planning Code Section 101.1, and environmental findings.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

SPECIAL ORDER 4:00 P.M.

CALLED FROM COMMITTEE

Supervisor McGoldrick noted present at 4:00 p.m.

060652 **[Hearing - Child Product Safety]**

Hearing to consider the possible adoption of an Ordinance amending the San Francisco Health Code by adding Chapter 34, Sections 34.1 through 34.3, to prohibit the manufacture, sale, or distribution in commerce of any toy or child care article that is intended for use by a child under three years of age if it contains bisphenol-A or other specified chemicals, and to require manufacturers to use the least toxic alternative to those substances, and setting an operative date. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board.
There were none.
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

060107 **[Child product safety]**
Supervisors Ma, Maxwell, Alioto-Pier

Ordinance amending the San Francisco Health Code by adding Chapter 34, Sections 34.1 through 34.3, to prohibit the manufacture, sale, or distribution in commerce of any toy or child care article that is intended for use by a child under three years of age if it contains bisphenol-A or other specified chemicals, and to require manufacturers to use the least toxic alternative to those substances, and setting an operative date.

Supervisor Sandoval was noted absent at 4:05 p.m.
PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

SPECIAL ORDER 4:00 P.M.

060490 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 2477-2479 Sutter Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated February 6, 2006 (Case No. 2005.0402E), exempting from environmental review under Categorical Exemption [State CEQA Guidelines, Sections 15301 and 15331], the proposed project at 2477-2479 Sutter Street. The proposal would convert an existing two-unit residential structure with ground-floor retail into a three-unit structure with three parking spaces by adding a 2,590-square foot horizontal and vertical addition and converting the retail space into a garage.

The project site is located at 2477-2479 Sutter Street (Assessor's Block 1076, Lot 022), The project is within the RM-1 (Mixed, Low Density) zoning district and within a 40-X height and bulk district. (Appellant: Stephen M. Williams.)

(Companion measure to Files 060491, 060492, 060493; District 5.)

The President inquired as to whether or not any member of the public wished to address the Board members. There were none.
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

060491 [Affirming the categorical exemption issued for the 2477-2479 Sutter Street project]

Motion affirming the determination by the Planning Department that the project at 2477-2479 Sutter Street is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

060492 [Disapproving the categorical exemption issued for 2477-2479 Sutter Street]

Motion disapproving the determination by the Planning Department that the project at 2477-2479 Sutter Street is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

TABLED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

060493 [Preparation of findings related to the 2477-2479 Sutter Street project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 2477-2479 Sutter Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

TABLED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

Recess

The Board recessed at the hour of 4:10 p.m.

Reconvening of the Board

The Board reconvened at the hour of 5:31p.m.

Calling the Roll

The following Supervisors were noted present: Ammiano, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin - 6

Supervisors Dufty and McGoldrick were noted present at 5:32 p.m.
Supervisor Daly was noted present at 5:34 p.m.
Supervisor Alioto-Pier was noted present at 6:00 p.m.

SPECIAL ORDER 4:30 P.M.

Supervisors Alioto-Pier and Sandoval were noted absent at 5:31 p.m.

060570 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 828 Francisco Street, Planning Case No. 2005.0493E]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 6, 2006, exempting from environmental review under Categorical Exemption: State CEQA Guidelines, Section(s) 15301(e)(1), the proposed project involving alterations to an existing, three-story-over basement, 6,923-square foot residence. The proposed alterations would: 1) add a dormer window on the eastern portion of the front façade (south side) at the third floor (attic level); 2) raise the height of, and enlarge, the existing dormer at the rear of the property (north side), so as to be habitable space as defined by the Building Code; 3) add new stairs from the existing first-story deck to the back yard; 4) add penetrations to the existing wall to add new windows at the second story at the rear; 5) add four new penetrations for four new windows and close up an existing window on the east façade; and 6) add three new penetrations for three new windows and close up three existing windows on the west façade. As considered by the Planning Department, the proposed alterations constitute alteration, façade alterations and horizontal extensions at the front, side and rear of the structure. The project would also resurface the roof at the second floor northeast corner for use as a deck and re-roof the existing asbestos shingle roof.

The proposed addition and construction would be minor additions to the existing building envelope. They would result in no net change in the square footage of the existing structure, as measured by the Planning Code. The approximately 18,734-square foot project site is located at 828 Francisco Street (Assessor's Block 0045, Lot 003), about 40 feet west of Leavenworth Street, in the block bounded by Leavenworth, Francisco, Hyde and Bay Streets, in the City's Russian Hill Neighborhood. The site has an approximately 136.5-foot lot dimension on Francisco Street, the only street frontage. The site is within an RH-1 (D) Residential, One-Family (Detached Dwellings) Use District and a 40-X Height and Bulk District. (Appellant: Angela Schroeder).

(Filed April 19, 2006; Companion measure to Files 060570, 060571, 060572, 060573; District 2.)

The President inquired as to whether or not any member of the public wished to address the Board.
There were none.
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

060571 **[Affirming the categorical exemption issued for the project at 828 Francisco Street]**
Motion affirming the determination by the Planning Department that the 828 Francisco Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Alioto-Pier, Sandoval

060572 **[Disapproving the categorical exemption issued for the project at 828 Francisco Street]**
Motion disapproving the determination by the Planning Department that the 828 Francisco Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Alioto-Pier, Sandoval

060573 **[Preparation of findings related to the project at 828 Francisco Street]**
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 828 Francisco Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Alioto-Pier, Sandoval

SPECIAL ORDER 5:00 P.M.

060560 **[Public Hearing - Appeal of Final Environmental Review for 3575 Geary Boulevard Project, Planning File No. 2003.0410E]**

Hearing of persons interested in or objecting to the Planning Commission's April 6, 2006, certification of a Final Environmental Impact Report identified as Planning File No. 2003.0410E, through its Motion 17218, the proposed project located at 3575 Geary Boulevard, Assessor's Block 1083, Lot 2, and Assessor's Block 1084, Lot 4. (Appellant: Brian Gaffney, Law Offices of Brian Gaffney).

(Filed April 26, 2006; companion measure to Files 060561, 060562, 060563; District 1.)

The President inquired as to whether or not any member of the public wished to address the Board.

Brian Gaffney, Attorney for the appellant
Harry Benke; support of appellant
William Goodson; support of appellant
Zack Tolson; support of appellant
Gabie Berliner; support of appellant
Greg Hylton; support of appellant
Mark Fighgra; support of appellant
Rocky Papale; support of appellant
G. Yang; support of appellant
Lauara Rosenthal; support of appellant
Wendy Miller; support of appellant
Female speaker; support of appellant
Amanda Soo; support of appellant
Tom Ross; support of appellant
Bob Lee; support of appellant
Bradley Wiedmaier; support of appellant
Trey MacPhee; support of appellant
Female speaker; support of appellant
Kurt; support of appellant
Rozanne Junker; support of appellant
Ruth Tepper; support of appellant
Paula Romanovsky; support of appellant
Reth Warner; support of appellant
Libby Benedict; support of appellant
Vera Poon; support of appellant

Larry Badiner, Zoning Administrator and Bill Wycko, Planning Department Representative, reviewed with the Board the Planning Department's recommendation.

Institution on Aging, project sponsor
Bridge Point Housing; of project sponsor
Architect; support of project sponsor
Ms. Einstein; support of project sponsor
Geraldine Gillette Earp; support of project sponsor
Marianne Duke; support of project sponsor
Ron Miguel; support of project sponsor
Peter Winkelstein; support of project sponsor
Virgina Jordan; support of project sponsor
Erwin Gibbs; support of project sponsor
Betty Anginvine; support of project sponsor
Jean Lynch; support of project sponsor
Female speaker; support of project sponsor
Chuck Lemere; support of project sponsor
Flora Tanta; support of project sponsor
Ken Donnollly, IOA; support of project sponsor
Patty Clement; support of project sponsor

Slyvia Malikian; support of project sponsor

Rebuttal Period:
Brian Gaffney; Attorney for the appellant

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Environmental Impact Report described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

060561 **[Affirm certification of 3575 Geary Boulevard Project FEIR]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 3575 Geary Boulevard Project. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Alioto-Pier
Absent: 1 - Sandoval

060562 **[Disapprove certification of 3575 Geary Boulevard Project FEIR]**

Motion disapproving the certification by the Planning Commission of the Final Environmental Impact Report for 3575 Geary Boulevard Project. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Alioto-Pier
Absent: 1 - Sandoval

060563 **[Preparation of findings to disapprove certification of 3575 Geary Boulevard Project FEIR]**

Motion directing the Clerk of the Board to prepare findings disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the 3575 Geary Boulevard Project FEIR. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Alioto-Pier
Absent: 1 - Sandoval

SPECIAL ORDER 5:30 P.M.

060620 [Public Hearing - Conditional Use Appeal for 3575 Geary Boulevard Project, Planning File No. 2003.0410CEK!]

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17219 dated April 6, 2006, approving Conditional Use Application No. 2003.0410CEK!. The approval relates to a conditional use authorization under Planning Code Sections 121.1 and 712.11 to allow lot size in excess of 9,999 square feet, Sections 121.2 and 712.21 to allow non-residential use size in excess of 5,999 square feet, Section 271 to allow exception from the "A" Bulk Controls in an 80-A Height and Bulk District, and Sections 303 and 304 to allow a Planned Unit Development that would include modifications to the rear yard requirement (Planning Code Section 134), the Open space requirement for senior dwelling units (Planning Code Section 135(d)(3)), the dwelling unit exposure requirement (Planning Code Section 140), and the off-street parking and loading requirements (Planning Code Section 151 and 152).

The site is currently occupied by the now closed single-screen Coronet Theater in an NC-3 (Moderate-scale Neighborhood Commercial) District, and an 80-A Height and Bulk District, located at 3575 Geary Boulevard; Lot 2 in Assessor's Block 1083, and Lot 4 in Assessor's Block 1084. (Appellant: Libby Benedict, on behalf of Jordan Park Improvement Association and Francisco Heights Neighborhood Association).

(Filed May 4, 2006; companion measure to Files 060621, 060622, 060623; District 1.)

The President inquired as to whether or not any member of the public wished to address the Board.

Brian Gaffney, Attorney for the appellant
Harry Benke; support of appellant
William Goodson; support of appellant
Zack Tolson; support of appellant
Gabie Berliner; support of appellant
Greg Hylton; support of appellant
Mark Fighgra; support of appellant
Rocky Papale; support of appellant
G. Yang; support of appellant
Lauara Rosenthal; support of appellant
Wendy Miller; support of appellant
Female speaker; support of appellant
Amanda Soo; support of appellant
Tom Ross; support of appellant
Bob Lee; support of appellant
Bradley Wiedmaier; support of appellant
Trey MacPhee; support of appellant
Female speaker; support of appellant
Kurt; support of appellant
Rozanne Junker; support of appellant
Ruth Tepper; support of appellant
Paula Romanovsky; support of appellant
Reth Warner; support of appellant
Libby Benedict; support of appellant
Vera Poon; support of appellant

Larry Badiner, Zoning Administrator and Bill Wycko, Planning Department Representative, reviewed with the Board the Planning Department's recommendation.

David ? Institution on Aging, project sponsor
Carolyn ? Bridge Point Housing; support of project sponsor
Architect; support of project sponsor
Ms. Einstein; support of project sponsor
Geraldine Gillette Earp; support of project sponsor
Marianne Duke; support of project sponsor
Ron Miguel, support of project sponsor

Peter Winkelstein; support of project sponsor
Virgina Jordan; support of project sponsor
Erwin Gibbs; support of project sponsor
Betty Anginvine; support of project sponsor
Jean Lynch; support of project sponsor
Female speaker; support of project sponsor
Chuck Lemere; support of project sponsor
Flora Tanta; support of project sponsor
Ken Donnollly, IOA; support of project sponsor
Patty Clement; support of project sponsor
Slyvia Malikian; support of project sponsor

Rebuttal Period:
Brian Gaffney; Attorney for the appellant

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

060621 **[Approving Planning Commission decision related to Conditional Use Appeal for 3575 Geary Boulevard]**
Motion approving decision of the Planning Commission by its Motion No. 17219, approving Conditional Use Application No. 2003.0410CEK!, located at 3575 Geary Boulevard currently occupied by the now closed single-screen Coronet Theater, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Ma, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

060622 **[Disapproving Planning Commission decision related to Conditional Use Appeal for 3575 Geary Boulevard]**
Motion disapproving decision of the Planning Commission by its Motion No. 17219, approving Conditional Use Application No. 2003.0410CEK!, located at 3575 Geary Boulevard currently occupied by the now closed single-screen Coronet Theater. (Clerk of the Board)

Supervisor Ma, seconded by Supervisor McGoldrick, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

060623 **[Preparation of findings related to the Conditional Use Appeal for 3575 Geary Boulevard]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2003.0410CEK!, located at 3575 Geary Boulevard currently occupied by the now closed single-screen Coronet Theater, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Ma, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

COMMITTEE REPORTS

060649 **[Motion setting special off site meeting of the Select Committee on Ending Gun & Gang Violence]**
Supervisors Maxwell, Mirkarimi

Motion scheduling an off-site meeting of the Select Committee on Ending Gun & Gang Violence on Wednesday, June 7, 2006, 6:00 p.m., at the Ella Hill Hutch Community Center, 1050 McAllister Street, for the purpose of conducting a joint meeting session with San Francisco Police Commission in receiving community input regarding gun & gang violence in the City of San Francisco.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Walter: expressed in song welcoming Walter Winchell in the past
Eugene Gordon Jr. expressed concern with issues relating to human rights
Female speaker; expressed concern with the SF Redevelopment Plan
Dr. Porter; showed interest with federal helicopter and a disaster plan and helicopters air pad locations in SF
Abdullah Megaheed; requested the Board to present a commendation to the young man who swam from Alcatraz
Louis Dillon; expressed concern with a Sunshine Ordinance violation relating to the Recreation and Parks Commission

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

Supervisors Alioto-Pier and McGoldrick were noted absent at 2:57 p.m.

060685 **[Declaring May 16, 2006 Lonnie Butler Day]**

Supervisor Maxwell

Resolution declaring that Lonnie Butler is an honorary citizen and that May 16, 2006 is Lonnie Butler Day in the City and County of San Francisco.

ADOPTED

060686 **[Public Works Week - May 22 - 26, 2006]**
Supervisors Peskin, Dufty

Resolution proclaiming May 22 through May 26, 2006 as Public Works Week in San Francisco.

Supervisor Elsbernd requested to be added as a co-sponsor.
ADOPTED

060687 **[Supporting Proposition 82, the Preschool for All Initiative]**
Supervisor Peskin

Resolution expressing support for California State Proposition 82, the Preschool for All Initiative.

ADOPTED

060688 **[Urging President George W. Bush not to deploy the National Guard along the United States-Mexico border]**
Supervisors Sandoval, Mirkarimi, Ammiano

Resolution urging President George W. Bush not to deploy the National Guard along the United States—Mexico border.

ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Alioto-Pier, McGoldrick

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Serious Injury Finding]
Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Daly, seconded by Supervisor Dufty, moved moved the Purely Commendatory Finding. The motion carried by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Alioto-Pier, McGoldrick

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Daly, seconded by Supervisor Dufty, moved moved the Brown Act Finding. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Alioto-Pier, McGoldrick

060691 [Commending Supervisor Tom Ammiano]

Supervisors Dufty, Alioto-Pier, Daly, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Resolution commending Supervisor Tom Ammiano on his enshrinement to the San Francisco State's Allumni Wall of Fame.

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Alioto-Pier, McGoldrick

060692 [S.F. Child Care Planning and Advisory Council Priorities for General Child Care and Development Expansion]

Supervisor Daly

Resolution approving the San Francisco Child Care Planning and Advisory Council Priorities for General Child Care and Development Expansion.

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Alioto-Pier, McGoldrick

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

060670 [Settlement of Lawsuit - Fire & Casualty Insurance Compan]

Ordinance authorizing settlement of the lawsuit filed by The Fire & Casualty Insurance Company against the City and County of San Francisco for $700,000; the lawsuit was filed on August 14, 2002 in San Francisco Superior Court, Case No. 411-478; entitled The Fire & Casualty Insurance Company v. City and County of San Francisco. (City Attorney)

5/15/06, RECEIVED AND ASSIGNED to Rules Committee.

060671 [Settlement of Lawsuit - Yekaterina Ramirez]

Ordinance authorizing settlement of the matter of Yekaterina Ramirez v. City and County of San Francisco for $140,000. The lawsuit was filed on August 26, 2004, in San Francisco Superior Court, Case No. 434181; entitled Yekaterina Ramirez v. City and County of San Francisco, Public Utilities Commission, and Does 1 through 25. (City Attorney)

5/15/06, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

060634 **[Authorize payment of performance fees for Year 5 of the Water Infrastructure Partners contract for an amount not to exceed $246,944]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to pay performance fees for Contract Year No. 5 of the Agreement with the Water Infrastructure Partners for an amount not to exceed $246,944. (Public Utilities Commission)

5/15/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no furhter business the meeting adjourned at the hour of 8:40 a.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

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Tuesday, June 6, 2006 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

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/6/06

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin, Mirkarimi, Elsbernd	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano	1st and 3rd Monday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll Supervisor Alioto-Pier was noted absent.

There was a quorum.

Supervisors Alioto-Pier was noted present at 2:21 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to approve the April 25, 2006, May 2, 2006 and May 9, 2006 Meeting Minutes. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

Supervisor Daly was Excused from Voting

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to excuse Supervisor Daly, at his request, because of possible conflict of interest, from voting.. The motion carried by the following vote:

Ayes. 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

060502 **[Lease of Real Property, 1650 Mission St.]**
Mayor

Resolution authorizing the renewal and expansion of an existing lease for the Human Services Agency and a new lease for the Department of City Planning with an option to purchase at 1650 Mission Street.

(Fiscal impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

060574 **[Lease of Real Property at 1380 Howard Street]**
Resolution authorizing the renewal and expansion of a lease of 79,950 sq. ft. of space at 1380 Howard Street for the Department of Public Health. (Real Estate Department)

(Fiscal impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060639 **[Grant of Local Funds - Municipal Transportation Agency]**
Mayor

Resolution authorizing the Municipal Transportation Agency to accept and expend $199,992 of Carl Moyer grant funds from the Bay Area Air Quality Management District to purchase and install new engines on 12 articulated motor coaches.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the City Operations and Neighborhood Services Committee

060708 **[Paratransit Reimbursement - Taxi Meter Rates]**
Supervisor Alioto-Pier

Ordinance amending Article 16, Section 1137.5 of the San Francisco Police Code to extend the taxi meter rate offset for the paratransit program to June 30, 2006.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

060479 **[Zoning Map Amendment, 645 Howard Street]**
Supervisor Daly

Ordinance amending Zoning Map Sheet 1H of the City and County of San Francisco for property located at Block 3735, Lot 047, to change the height and bulk district classification from 150-S to 250-S; adopting findings pursuant to the California Environmental Quality Act; and adopting findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060480 **[General Plan Amendment, 645 Howard Street]**
Supervisor Daly

Ordinance amending Map 5 (Proposed Height and Bulk Districts) of the Downtown Area Plan of the General Plan of the City and County of San Francisco to change the height and bulk district classification of the property located at Block 3735, Lot 047 from 150-S to 250-S; adopting findings pursuant to the California Environmental Quality Act; and adopting findings of consistency with the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060142 **[Public Works Code – sidewalk landscape permits]**
Mayor, Supervisor Alioto-Pier

Ordinance amending the Public Works Code by amending Sections 801, 811, and 812 to recognize sidewalk landscaping as an important contributor to the City's quality of life, to provide for fines and penalties for violating this Ordinance, and to include Arborist Technician in the list of designated employees that can enforce the Urban Forestry Ordinance, respectively; by adding Section 810B to establish a permit process for sidewalk landscape installation and removal, including permit fees and procedures to adjust fees on an annual basis; and making environmental findings.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

060386 **[55-year Seismic Safety Retrofit Loan Program Loans]**
Supervisors Dufty, Mirkarimi, Ammiano

Ordinance amending San Francisco Administrative Code Sections 66.1, 66.3, 66.4, 66.5, 66A.2, 66A.4, 66A.13, 66A.24, 66A.25, and 66A.26 to allow for 55-year term Seismic Safety Retrofit Loan Program loans, to name the Mayor's Office of Housing as the Seismic Safety Retrofit Loan Program Administrator, and to make certain administrative clarifications.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060530 **[Settlement of Lawsuit - Donald Sargeant]**

Ordinance authorizing settlement of the lawsuit filed by Donald Sargeant against the City and County of San Francisco for $225,000; the lawsuit was filed on March 25, 2005 in San Francisco Superior Court, Case No. 439-805; entitled Donald Sargeant v. City and County of San Francisco, et al.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060557 **[Settlement of Lawsuit - Linda Nussbaum]**

Ordinance authorizing settlement of the lawsuit filed by Linda Nussbaum against the City and County of San Francisco for $170,000; the lawsuit was filed on January 7, 2004 in San Francisco Superior Court, Case No. 427-870; entitled Linda Nussbaum v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060567 **[Settlement of Lawsuit - Eliana Martella]**

Ordinance authorizing settlement of the lawsuit filed by Eliana Martella against the City and County of San Francisco for $175,000; the lawsuit was filed on July 22, 2004 in Superior Court, Case No. CGC-04433236; entitled Eliana Martella, et al., v. City and County of San Francisco, et al; other material terms of said settlement are the reduction of the San Francisco General Hospital lien from $17,829.64 to $12,829.64. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060611 **[Settlement of Lawsuit - ARCO et al.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against PS Trading for the payment to the Airport of environmental clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal). (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060406 **[Appointment - Shelter Monitoring Committee]**

Resolution appointing Joanne L. Smith, Keith Wayne Kemp, and Damian R. Ochoa, terms ending November 23, 2006, to the Shelter Monitoring Committee.

Joanne L. Smith, succeeding Christoph Jones, resigned, seat 2, must be homeless or formerly homeless, for the unexpired portion of a two-year term ending November 23, 2006.
Keith Wayne Kemp, succeeding Delbert Scott, resigned, seat 5, must be selected from a list of candidates that are nominated by non-profit agencies that provide advocacy or organizing services to homeless people and be homeless or formerly homeless, for the unexpired portion of a two-year term ending November 23, 2006.
Damian R. Ochoa, succeeding Dorothy Harris, resigned, seat 6, must be selected from a list of candidates that are nominated by non-profit agencies that provide advocacy or organizing services to homeless people, for the unexpired portion of a two-year term ending November 23, 2006.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060438 **[Appointment - Commission of Animal Control and Welfare]**

Resolution appointing Laurie Kennedy-Routhier, Christine L. Garcia, and Dr. Mara Weiss, terms ending April 30, 2008, to the Commission of Animal Control and Welfare.

Laurie Kennedy-Routhier, succeeding herself, term expired, seat 1, must be a member representing the general public having interest and experience in animal matters, for a two-year term ending April 30, 2008.
Christine L. Garcia, succeeding Joanne Kipnis, term expired, seat 2, must be a member representing the general public having interest and experience in animal matters, for a two-year term ending April 30, 2008.
Dr. Mara Weiss, succeeding herself, term expired, seat 7, must be licensed veterinarian, for a two-year term ending April 30, 2008.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060568 **[Extension of One Year Tolling Agreement between Daly City and San Francisco]**

Supervisor Elsbernd

Resolution approving one year extension of mutual tolling agreement between the City of Daly City ("Daly City") and the City and County of San Francisco ("San Francisco"). (City Attorney)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060569 **[Settlement of Claim - Daly City]**

Supervisor Elsbernd

Resolution approving Settlement of Claim by City and County of San Francisco ("San Francisco") against the City of Daly City ("Daly City"). (City Attorney)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

060806 **[Adopting findings related to the conditional use appeal on property located at 3575 Geary Boulevard]**

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2003.0410CEK!, a lot size in excess of 9,999 square feet, Sections 121.2 and 712.21 to allow non-residential use size in excess of 5,999 square feet, Section 271 to allow exception from the "A" Bulk Controls in an 80-A Height and Bulk District, and Sections 303 and 304 to allow a Planned Unit Development that would include modifications to the rear yard requirement (Planning Code Section 134), the Open space requirement for senior dwelling units (Planning Code Section 135(d)(3)), the dwelling unit exposure requirement (Planning Code Section 140), and the off-street parking and loading requirements (Planning Code Section 151 and 152) located at 3575 Geary Boulevard; Lot 2 in Assessor's Block 1083, and Lot 4 in Assessor's Block 1084. (Clerk of the Board)

APPROVED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier

Recommendation of the Budget and Finance Committee

060475 **[Public Employment - Mayor's Office of Economic and Workforce Development]**
Mayor

Ordinance amending Ordinance No. 204-05 (Annual Salary Ordinance No. 204-05 (Annual Salary Ordinance 2005/2006) to reflect the creation of three (3) positions in the Mayor's Office of Economic and Workforce Development.

(Fiscal impact.)

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

Recommendation of the Select Committee on Ending Gun and Gang Violence

060086 [Providing for public notice of installation of community safety cameras]
Supervisors Mirkarimi, Ammiano, Maxwell, Elsbernd

Ordinance amending the San Francisco Administrative Code by adding Chapter 19, Sections 19.1 through 19.8, to regulate the installation of community safety cameras, prescribe a notification and approval process for the installation of cameras, and establish protocols for oversight and access to video recordings.

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the City Operations and Neighborhood Services Committee

060107 [Child product safety]
Supervisors Ma, Maxwell, Alioto-Pier, McGoldrick, Sandoval, Daly

Ordinance amending the San Francisco Health Code by adding Chapter 34, Sections 34.1 through 34.3, to prohibit the manufacture, sale, or distribution in commerce of any toy or child care article that is intended for use by a child under three years of age if it contains bisphenol-A or other specified chemicals, and to require manufacturers to use the least toxic alternative to those substances, and setting an operative date.

Supervisors Sandoval and Daly requested to be added as co-sponsors.
Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved to continue this matter to June 13, 2006.
Motion to continue this matter to June 13, 2006 by the following vote
Ayes: 2 - Elsbernd, McGoldrick
Noes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin, Sandoval

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Land Use and Economic Development Committee

051521 [Designate 150 Otis Street, the Juvenile Court and Detention Home, as Landmark No. 248]
Supervisor Peskin

Ordinance designating 150 Otis Street, the Juvenile Court and Detention Home, as Landmark No. 248 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)

Supervisor Daly previously excused from voting on this matter.

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty
Excused: 1 - Daly

NEW BUSINESS

Recommendations of the Budget and Finance Committee

060628 **[Board of Appeals Surcharges]**

Ordinance (1) amending Section 10G.1 of the San Francisco Administrative Code to: (a) adjust the surcharges on permits that may be appealed to the Board of Appeals by: (i) reducing the surcharge on tobacco retailer's permits issued by the Department of Public Health pursuant to San Francisco Health Code Section 1009.53 from $56 to $26, (ii) reducing the surcharge on permits specified in Police Code Section 2.26 issued by the Police Department from $17 to $10, (iii) reducing the surcharge on permits specified in Police Code Section 2.26 issued by the Entertainment Commission from $10 to $3, (iv) reducing the surcharge on permits specified in Police Code Section 2.26.1 issued by the Taxi Commission from $9 to $3, (v) increasing the surcharge on permits issued by the Department of Building Inspection pursuant to Building Code Section 110, Tables 1-A, 1-F, Item 3, 1-H, 1-K, Item 8, or 1-Q, Item 5, from $11 to $13 and (vi) increasing the surcharge on permits issued by the Department of City Planning pursuant to Planning Code Sections 351(h), 352(a), (except for fees imposed for hearings on Conditional Uses under Section 303 or Planned Unit Developments under Section 304), 353(a), 353(b), 353(c), or 355, from $11 to $13; (b) adjust the surcharges on annual renewals of permits or licenses associated with permits that may be appealed to the Board of Appeals by: (i) reducing the surcharge on renewal of annual licenses specified in Police Code Section 2.27 issued by the Police Department from $17 to $10, (ii) reducing the surcharge on annual licenses specified in Police Code Section 2.27 issued by the Entertainment Commission from $10 to $3, and (iii) reducing the surcharge on renewal of annual licenses specified in Police Code Section 2.27.1 issued by the Taxi Commission from $9 to $3; (c) imposing a Board of Appeals surcharge of $26 on renewal of annual licenses for tobacco retailers under San Francisco Health Code Section 1009.54 and Business and Tax Regulations Code Section 249.16; and (d) imposing a Board of Appeals surcharge of $109.00 for medical cannabis dispensary permits issued by the Department of Public Health pursuant to Health Code Section 3007, and for annual license renewals associated with such permits pursuant to Health Code Section 3318 and Business and Tax Regulations Code Section 249.20; and (2) making findings pursuant to the California Environmental Quality Act, Public Resources Code Section 21080(b)(8)(A), that the surcharges imposed by this ordinance and the adjustments to existing surcharges made by this ordinance are not "projects" and that all such surcharges are imposed for the purpose of meeting operating expenses of the Board of Appeals, including employee wage rates, fringe benefits and other direct and indirect overhead charges attributable to administrative appeals to the Board of Appeals relating to the aforementioned permits and licenses pursuant to Charter Section 4.106 and other applicable laws. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060653 **[Emergency contracts and appropriation to relocate the utility lines at San Francisco Crime Lab and prepare building program to relocate the forensic lab to a new location]**

Mayor

Ordinance approving award of emergency contracts and appropriating $820,000 for various consultant and construction services on an as-needed basis to relocate the sewer system at the San Francisco Crime Lab and prepare a building program to relocate the forensic lab to a new location.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060564 **[Proposition J Contract/Certification of Specified Contracted-Out Services for Enterprise Departments Previously Approved]**

Resolution concurring with the Controller's certification previously approved under Proposition J that services can be performed by private contractor for a lower cost than similar work performed by City and County employees, for the following services: employee parking management, information booth, public parking management and shuttle bus services (Airport); paratransit and security services (MTA); citation information, janitorial and landscaping, coin counting and collection, security, and towing services (MTA Parking & Traffic); janitorial and security services (Port). (Mayor)

(Fiscal impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Government Audit and Oversight Committee

060444 **[Prohibiting Masonry Dry-Cutting]**

Supervisors Ma, Dufty

Ordinance amending the Administrative Code by adding new Chapter 64, Section 64.1 to prohibit City employees and City contractors from engaging in masonry dry-cutting and dry-grinding, with exceptions, and establishing alternative procedures; amending the Administrative Code by amending Section 6.22 to require that City contracts include the prohibition against masonry dry-cutting and dry-grinding found in Chapter 64; and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060535 **[Memorandum of Understanding - Deputy Sheriffs' Association]**

Mayor, Supervisors Dufty, Daly

Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association to be effective July 1, 2005 through June 30, 2009.

(Fiscal impact.)

Supervisor Daly requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

052025 [Residential Rent Ordinance: Landlord may not sever parking/storage/access to common areas without just cause; tenant entitled to rent reduction upon severance]

Supervisors Mirkarimi, Daly, Maxwell, Peskin

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.2(r) to provide that parking or storage or access to common areas on the same lot, or similar facilities or space on the same lot, may not be severed by the landlord without just cause; and that where such severance does occur the tenant is entitled to a reduction in rent.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to amend on page 5, line 23, by inserting "designated" before the word "Garage".
Supervisor Elsbernd, seconded by Supervisor Alioto-PIer, withdrew the motion to amend.
Supervisor Dufty moved to continue this matter.
Motion to continue failed for lack of a second.

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma

060372 [Off-Street Parking In C-3 Zoning Districts And For Bicycles and Car Share]

Supervisors Peskin, Daly

Ordinance amending the San Francisco Planning Code by amending Sections 102.9, 151, 151.1, 154, 155, 155.5, 161, 166, 167 and 309 to impose new requirements in C-3 Zoning Districts regarding permitted off-street parking and loading, allowed off-street freight loading and service vehicle spaces and to separate parking costs from housing costs, to impose new requirements for parking for bicycles and car share vehicles, to exempt from the legislation projects that received final Planning Department or Planning Commission approval and submitted complete site permit applications prior to the effective date of the legislation, to require the Planning Department, the Municipal Transportation Agency and the County Transportation Agency to undertake a study of downtown parking issues, and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

(Economic Impact)

Supervisor Daly requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Ma

Recommendations of the Rules Committee

060217 **[Reporting Sources of Gifts of Travel]**
Supervisors Sandoval, Ammiano, Mirkarimi

Ordinance amending Article III, Chapter 2 of the San Francisco Campaign and Governmental Conduct Code, by amending section 3.216 to impose reporting requirements for gifts of travel to elected officials.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060033 **[Prohibiting Political Contributions from Corporations to Candidates for City Elective Office]**
Supervisors Peskin, Mirkarimi, Ammiano

Ordinance amending section 1.114 of the San Francisco Campaign and Governmental Conduct Code to prohibit corporations from making campaign contributions to candidates for City elective office.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060387 **[Preparation of a Backup Plan for Elections; Contracts for Voting Equipment]**
Supervisor Mirkarimi

Ordinance amending the San Francisco Municipal Elections Code by adding Section 980 to Article IX to require the Director of Elections to prepare a backup plan for elections whenever the voting system intended to be used in the next election is pending certification from the California Secretary of State and to require the Board of Supervisors to give great consideration to whether the voting system has been certified by the California Secretary of State.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060524 **[Waiving the Competitive Requirements of the Administrative Code for the Procurement of Construction Services for Portion of the Laguna Honda Hospital Replacement Project]**
Supervisor Elsbernd

Ordinance waiving the competitive requirements of Chapter 6 of the Administrative Code and authorizing the director of Public Works, with the assistance of the Construction Manager-at Risk, to negotiate the subcontracts for the renovation of Wing C and Building H of the Laguna Honda Hospital Replacement Project and modifying the contract with the CM-at Risk to incoporate said subcontacts into the CM-at Risk to incorporate said subcontracts into the CM-at-Risk's scope of work.

Continued to June 13, 2006

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Ordinance be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060534 [Revising and clarifying procedures for imposition and collection of the 911 Emergency Response Fee imposed on telephone service subscribers]

Supervisor Peskin

Ordinance amending Article 10A of the Business and Tax Regulations Code by amending Section 751 to amend the definition of "Service supplier" and delete the definition of "Telephone corporation" in order to reflect changes in communications technology and regulation, and amend the definition of "Trunk line" to clarify that it does not include Direct Inward Dial telephone lines; amending Section 754 by replacing the term "Telephone corporation" with the term "Service supplier," and amending Sections 757, 759, 761 and 762 to clarify responsibilities on the part of the City and service providers for collection of the fee.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Alioto-Pier was noted absent at 3:45 p.m.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern issues relating to the Iraq War and homelessness
James Chaffee; expressed concern with issues relating to the SF Public Library
Richard Magree; expressed concern with issues relating to Sigmond Stern Grove
Eugene Gordon, Jr.; expressed concern with issues relating to violations of human rights
Tom Kelly; expressed concern with the lack of funding for arts programs
John daDonna; showed interest in bike rides in Golden Gate Park
Robin Crop; expressed concern with issues relating to lyme disease intervention and treatment
Philip Jones; expressed concern with issues relating to lyme disease intervention and treatment
Male speaker; expressed concern with issues relating to environmental issues and the sewer system
Ace Washington; expressed concern with issues relating to the June 7, 2006 Joint Select Committee on Ending Gun and Gang Violence and SF Police Commission and issues relating to the City Hall press room issues and Channel 29
Roman Smith, showed interest in the 6th Street area and the need for SF Police foot patrol in the area
Male speaker; expressed concern with the current Executive Administration and the Board of Supervisors with issues relating to Golden Gate Park
Female speaker; expressed concern with the increase of proposed fee at Harding Golf Course

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

060711 **[Encouraging churches, synagogues and temples in San Francisco to engage in a coordinated tolling of bells to call attention to the need for an effective suicide barrier on the Golden Gate Bridge.]**
Supervisor Ammiano

Resolution encouraging churches, synagogues and temples in San Francisco to engage in a coordinated tolling of bells to call attention to the need for an effective suicide barrier on the Golden Gate Bridge.

ADOPTED

060712 **[Commending the heroism of Marlin Coats and urging the US Government to grant permanent residence to Jacqueline Coats]**
Supervisor Ammiano

Resolution commending the heroism of Marlin Coats and urging the US Government to grant permanent residence to Jacqueline Coats.

ADOPTED

060713 [California Global Warming Solutions Act of 2006]
Supervisor Daly

Resolution urging the California Legislature to adopt Assembly Bill 32-The California Global Warming Solutions Act of 2006.

ADOPTED

060714 [South of Market Project Area Committee]
Supervisor Daly

Resolution confirming the election results of members to the Project Area Committee for the South of Market Redevelopment Project Area and finding that the Procedures for the Election of Members to Redevelopment Project Area Committees were followed.

ADOPTED

060715 [National Hunger Awareness Day in San Francisco]
Supervisor Daly

Resolution commending the San Francisco Food Bank, St. Anthony Foundation and Project Open Hand as well as more than 500 programs citywide that distribute food in recognizing June 6, 2006 as National Hunger Awareness Day in San Francisco.

ADOPTED

060716 [Declaring June 1, 2006 as Silence the Violence Day]
Supervisors Daly, Mirkarimi

Resolution declaring June 1, 2006 as Silence the Violence Day in commemoration of those who have died or have been victimized by violence in San Francisco.

ADOPTED

060717 [Acknowledging the leadership and social services provided by Project Families In Need to the people of the City and County of San Francisco]
Supervisor Maxwell

Resolution acknowledging Project Families In Need this 23rd day of May 2006 and thank Project F.I.N. for providing social services to create a better quality of life for the community of San Francisco.

ADOPTED

060718 [Honoring the memory of Deborah Gibbon]
Supervisor Mirkarimi

Resolution honoring the life, spirit, community activism and contributions to the local artistic community of Deborah Gibbon.

ADOPTED

060719 [Honoring the Joe Goode Performance Group]
Supervisor Mirkarimi

Resolution honoring the Joe Goode Performance Group on the occasion of their twentieth anniversary.

ADOPTED

060720 [Expansion of community policing in San Francisco Housing Authority-owned developments]
Supervisor Mirkarimi

Resolution urging the San Francisco Housing Authority to renew beyond June 30, 2006, and expand the size and geographical scope of its MOU with the San Francisco Police Department for supplemental law enforcement services dedicated to community policing in Housing Authority-owned developments.

ADOPTED

060721 [Waiver permitting City employees to assist the Department of Elections with the June 6, 2006 election]
Supervisor Peskin

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the June 6, 2006 election.

APPROVED

060804 [San Francisco Opera's free outdoor opera simulcast of Madama Butterfly]
Supervisor Ma

Resolution commending the San Francisco Opera, David Gockley and event sponsors for providing San Francisco with the first simulcast opera at Civic Center Plaza.

ADOPTED

060669 [Final Map 3553 for a 13 Unit Commercial/Residential Condominium Project - 2428 Bayshore Boulevard]

Motion approving Final Map 3553, 2428 Bayshore Boulevard, a 13 Unit Commercial/Residential Condominium Project, being a subdivision of that certain parcel described in that certain deed I522 O.R. 1299 recorded Nov. 26, 2003. Also being a Subdivision of Lot 003 in Assessor's Block No. 6249, and adopting findings pursuant to the City's General Plan and priority policies of Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,045; District 10.)

APPROVED

060689 [Final Map for a 6 Unit Live/Work Condominium Project - 2021 26th Street]

Motion approving Final Map of 2021 26th Street, a Live/Work Condominium Project, being a subdivision of Lot 018 in Assessor's Block No. 4327A, and adopting findings pursuant to the City's General Plan and priority policies of Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,031; District 10.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed From the Without Reference to Committee Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

060805 **[Supporting Senate Bill 840, The California Health Insurance Reliability Act of 2005.]**
Supervisor Ma

Resolution supporting Senate Bill 840 (Kuehl), The California Health Insurance Reliability Act of 2005.

Supervisor Elsbernd requested that this matter be referred to Committee.
REFERRED.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor Maxwell, moved moved the Purely Commendatory Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Maxwell, moved moved the Brown Act Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060789 **[Declaring June 10, 2006 Community Boards Day in San Francisco.]**
Supervisor Dufty

Resolution celebrating the 30th Anniversary of Community Boards and declaring June 10, 2006 Community Boards Day in San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060790 **[Commending Dr. Marshal Isaacs]**
Supervisors Dufty, Ammiano, Maxwell, Ma, Mirkarimi, Peskin

Resolution commending Dr. Marshal Isaacs on his outstanding service with the San Francisco Fire Department and wishing Dr. Isaacs the best of luck as the Emergency Medical Director with the Dallas Fire-Rescue Department.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

060723 **[Settlement of Lawsuit - Chubb Custom Insurance Company]**

Ordinance authorizing settlement of the lawsuit filed by Chubb Custom Insurance Company against the City and County of San Francisco for $65,000; the lawsuit was filed on February 24, 2005 in San Francisco Superior Court, Case No. 438-921; entitled Chubb Custom Insurance Company, et al., v. City and County of San Francisco, et al. (City Attorney)

5/24/06, RECEIVED AND ASSIGNED to Rules Committee.

060724 **[Settlement of Lawsuit - Lisa Kenney]**

Ordinance authorizing settlement of the lawsuit filed by Lisa Kenney against the City and County of San Francisco for $125,000; the lawsuit was filed on November 13, 2003 in San Francisco Superior Court, Case No. 426-365; entitled Lisa Kenney v. City and County of San Francisco, et al. (City Attorney)

5/24/06, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

060586 **[Amendment to Airport Sublease Agreement]**

Resolution approving Amendment of Sublease No. 00-0347 between Corporation of the Fine Arts Museums and the City and County of San Francisco, acting through its Airport Commission.

5/19/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060587 **[Gift - Private (Mobile Mammography Van)]**

Resolution authorizing the Department of Public Health, San Francisco General Hospital to accept a gift in the amount of $146,041 from the Avon Foundation, via the San Francisco General Hospital Foundation, for the purchase of technical and logistical services in support of the operation of the mobile mammography facility vehicle, donated to the City in 2004, by the University of California, San Francisco. The mobile mammography facility vehicle provides services to indigent and under-served women in San Francisco.

5/25/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060722 **[Contract approval – Fire Department Emergency Medical Services Billing and Collections]**

Resolution approving the award and execution of San Francisco Fire Department Contract Number 4117-05/06, Emergency Medical Services Billing & Collections, to American Medibanc, Incorporated. In addition to generating approximately $19 million per year in revenue, out of which the City will pay American Medibanc a percentage varying from 7.0% to 5.5%, contractor also will provide the Department a system for electronic patient data collection and reporting. The term of the contract is four years, with two renewal options of two years each. (Fire Department)

5/24/06, RECEIVED AND ASSIGNED to Budget and Finance Committee. Department requests this matter be heard as soon as possible.

060725 **[Report of assessment costs for sidewalk and curb repairs]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

(DPW Order No. 176,050. Locations: 1125 Alabama Street; 1522 Church Street; 370 Lexington Street; 1201 Mission Street; 371 Noe Street; 1157 Stanyan Street; 1348 South Van Ness Avenue.)

5/24/06, ASSIGNED to Board of Supervisors.

060802 **[Homeless and Senior Services Contract Approval – Episcopal Community Services]**

Resolution approving the contract between the City and County of San Francisco and Episcopal Community Services to provide various safety net services to homeless, formerly homeless, and frail and elderly senior citizens in San Francisco, for the period from July 1, 2006 to June 30, 2012, in the amount of $59,910,467. (Human Services Department)

5/26/06, RECEIVED AND ASSIGNED to Budget and Finance Committee. Department requests this matter be scheduled at the earliest meeting as this is time sensitive.

060803 **[Housing Services and Support Services Contract Approval - Tenderloin Housing Clinic]**

Resolution approving the contract between the City and County of San Francisco and the Tenderloin Housing Clinic to provide housing services and support services to formerly homeless adults for the period from July 1, 2006 to June 30, 2009, in the amount of $41,589,314. (Human Services Department)

5/26/06, RECEIVED AND ASSIGNED to Budget and Finance Committee. Department requests this matter be scheduled at the earliest meeting as this is time sensitive.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:25 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

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Tuesday, June 13, 2006 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin, Mirkarimi, Elsbernd	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano	1st and 3rd Monday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll Supervisors Dufty and Ma were noted absent.

There was a quorum.

Supervisor Dufty was noted present at 2:07p.m.
Supervisor Ma was excused from attendance. (See Infra)

Supervisor Ma Excused from Attendance

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to excuse Supervisor Ma from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

AGENDA CHANGES

Supervisor Peskin requested the Clerk of the Board to call Item No. 41 (File No. 060598) and Item No. 42 (File No. 060599) for purposes of continuing these matters.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

060653 **[Emergency contracts and appropriation to relocate the utility lines at San Francisco Crime Lab and prepare building program to relocate the forensic lab to a new location]**

Mayor

Ordinance approving award of emergency contracts and appropriating $820,000 for various consultant and construction services on an as-needed basis to relocate the sewer system at the San Francisco Crime Lab and prepare a building program to relocate the forensic lab to a new location.

(Fiscal impact.)

FINALLY PASSED

060628 **[Board of Appeals Surcharges]**

Ordinance (1) amending Section 10G.1 of the San Francisco Administrative Code to: (a) adjust the surcharges on permits that may be appealed to the Board of Appeals by: (i) reducing the surcharge on tobacco retailer's permits issued by the Department of Public Health pursuant to San Francisco Health Code Section 1009.53 from $56 to $26, (ii) reducing the surcharge on permits specified in Police Code Section 2.26 issued by the Police Department from $17 to $10, (iii) reducing the surcharge on permits specified in Police Code Section 2.26 issued by the Entertainment Commission from $10 to $3, (iv) reducing the surcharge on permits specified in Police Code Section 2.26.1 issued by the Taxi Commission from $9 to $3, (v) increasing the surcharge on permits issued by the Department of Building Inspection pursuant to Building Code Section 110, Tables 1-A, 1-F, Item 3, 1-H, 1-K, Item 8, or 1-Q, Item 5, from $11 to $13 and (vi) increasing the surcharge on permits issued by the Department of City Planning pursuant to Planning Code Sections 351(h), 352(a), (except for fees imposed for hearings on Conditional Uses under Section 303 or Planned Unit Developments under Section 304), 353(a), 353(b), 353(c), or 355, from $11 to $13; (b) adjust the surcharges on annual renewals of permits or licenses associated with permits that may be appealed to the Board of Appeals by: (i) reducing the surcharge on renewal of annual licenses specified in Police Code Section 2.27 issued by the Police Department from $17 to $10, (ii) reducing the surcharge on annual licenses specified in Police Code Section 2.27 issued by the Entertainment Commission from $10 to $3, and (iii) reducing the surcharge on renewal of annual licenses specified in Police Code Section 2.27.1 issued by the Taxi Commission from $9 to $3; (c) imposing a Board of Appeals surcharge of $26 on renewal of annual licenses for tobacco retailers under San Francisco Health Code Section 1009.54 and Business and Tax Regulations Code Section 249.16; and (d) imposing a Board of Appeals surcharge of $109.00 for medical cannabis dispensary permits issued by the Department of Public Health pursuant to Health Code Section 3007, and for annual license renewals associated with such permits pursuant to Health Code Section 3318 and Business and Tax Regulations Code Section 249.20; and (2) making findings pursuant to the California Environmental Quality Act, Public Resources Code Section 21080(b)(8)(A), that the surcharges imposed by this ordinance and the adjustments to existing surcharges made by this ordinance are not "projects" and that all such surcharges are imposed for the purpose of meeting operating expenses of the Board of Appeals, including employee wage rates, fringe benefits and other direct and indirect overhead charges attributable to administrative appeals to the Board of Appeals relating to the aforementioned permits and licenses pursuant to Charter Section 4.106 and other applicable laws. (Mayor)

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

051490 **[Liquor License, 1590 Pacific Avenue]**

Resolution determining that the transfer of a Type 21 off-sale general license and a Type 42 on-sale beer and wine public premises license from 1567 Pacific Avenue to 1590 Pacific Avenue, to Phil Priolo dba The Jug Shop, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

060287 **[Liquor License, 1301 Van Ness Avenue]**

Resolution determining that the transfer of a Type 21 off-sale general license from 2 Sanchez Street to 1301 Van Ness Avenue, to Steve McLaren for Beverages & more!, and the issuance of a Type 42 on-sale beer and wine public premises license to the same applicant, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

060330 **[Liquor License, 2 Henry Adams Street, Space M-21]**

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Emil Maionchi dba Wine Merchant of Showplace Square located at 2 Henry Adams Street, Space M-21, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

060364 **[Liquor License, 55 Natoma Street]**

Resolution determining that the transfer of a Type 47 on-sale general public eating place license from 2299 Van Ness Avenue to 55 Natoma Street, to Paul Hemming dba Zen Compound, and the issuance of a Type 48 on-sale general public premises license, to the same applicant, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

060615 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
South Van Ness Avenue, east side, from 92 to 122 feet south of Market Street.

TOW-AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - RESCIND
Bush Street, south side, from Grant Avenue to 130 feet westerly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Ellsworth Street, both sides, between 70 and 100 feet south of the south property line of 755 Ellsworth Street.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - RESCIND
Sanchez Street, east side, from 17th Street to 91 feet northerly.

2-HOUR TIME-LIMIT, 7 AM TO 6 PM, EXCEPT SATURDAY AND SUNDAY - ESTABLISH
Kansas Street, both sides, between 15th and 16th Streets (200 block).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Oak Street, south side, from Octavia Boulevard to 56 feet westerly (existing conditions).

RED (NO PARKING ANYTIME) ZONES - ESTABLISH
Hampshire Street, west side, from 26th Street to 15 feet northerly.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
2718 Bryant Street, west side, between the driveways for #2718 - 2722 and 2724 - 2726 Bryant Street, (12-foot section of curb between the driveways for these addresses, accommodating two motorcycle parking spaces).

NO PARKING ANYTIME - EXTEND
Ocean Avenue, south side, from 100 feet to 142 feet west of San Leandro Way (extends the "No Parking Anytime" regulation by 42 feet, eliminating parking meter # 591-24130). (Parking and Traffic Department)

(5/4/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3178).

ADOPTED

060616 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Park Hill at Roosevelt Way, stopping Park Hill;
Laguna and Waller Streets, stopping Waller Street;
Second Street extension at King Street, stopping the northbound leg of Second Street at King Street;
26th and Hampshire Streets, stopping eastbound 26th Street, making this intersection a one-way STOP;
McKinnon Avenue and Lane Street, stopping eastbound McKinnon Avenue and northbound and southbound Lane Street, making this intersection an All-Way STOP;
22nd and Mississippi Streets, stopping southbound Mississippi Street; and,
19th and Pennsylvania Streets, stopping Pennsylvania at 19th Street, making this an All-Way STOP. (Parking and Traffic Department)

(5/4/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3178).

ADOPTED

060617 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

ONE-WAY STREET (WESTBOUND) - ESTABLISH
Cleveland Street, between Sherman and 7th Streets

NO LEFT TURN OR NO U-TURNS - ESTABLISH
Cesar Chavez Street, westbound traffic at South Van Ness Avenue

ONE-WAY STREET (NORTHBOUND) - ESTABLISH
Ellsworth Street, from Crescent Avenue to a point approximately 890 feet southerly (extends the existing one-way regulation by 160 feet southerly)

STREET CLOSURE EXCEPT DURING SCHOOL SUMMER RECESS - ESTABLISH
Sherman Street, from Cleveland Street to 100 feet north of Harrison Street (250 feet). (City Attorney)

(5/4/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3178).

ADOPTED

060690 **[Grant to supplement on-call physician coverage for trauma services at San Francisco General Hospital Trauma Center and add one new position]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to accept retroactively and expend a new grant in the amount of $240,860 from the California Emergency Medical Services Authority (CEMSA) to supplement on-call physician coverage at San Francisco General Hospital Trauma Center, to enter into an agreement for the use of these funds, and to add one (1.0) new position funded through this grant agreement; for the period of July 1, 2005 to June 30, 2006.

ADOPTED

Recommendations of the Government Audit and Oversight Committee

060444 [Prohibiting Masonry Dry-Cutting]
Supervisors Ma, Dufty

Ordinance amending the Administrative Code by adding new Chapter 64, Section 64.1 to prohibit City employees and City contractors from engaging in masonry dry-cutting and dry-grinding, with exceptions, and establishing alternative procedures; amending the Administrative Code by amending Section 6.22 to require that City contracts include the prohibition against masonry dry-cutting and dry-grinding found in Chapter 64; and making environmental findings.

FINALLY PASSED

060535 [Memorandum of Understanding - Deputy Sheriffs' Association]
Mayor, Supervisors Dufty, Daly, Mirkarimi

Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association to be effective July 1, 2005 through June 30, 2009.

(Fiscal impact.)

Supervisor Mirkarimi requested to be added as a co-sponsor.
FINALLY PASSED

Recommendations of the Rules Committee

060217 [Reporting Sources of Gifts of Travel]
Supervisors Sandoval, Ammiano, Mirkarimi

Ordinance amending Article III, Chapter 2 of the San Francisco Campaign and Governmental Conduct Code, by amending section 3.216 to impose reporting requirements for gifts of travel to elected officials.

FINALLY PASSED

060033 [Prohibiting Political Contributions from Corporations to Candidates for City Elective Office]
Supervisors Peskin, Mirkarimi, Ammiano

Ordinance amending section 1.114 of the San Francisco Campaign and Governmental Conduct Code to prohibit corporations from making campaign contributions to candidates for City elective office.

FINALLY PASSED

060387 [Preparation of a Backup Plan for Elections; Contracts for Voting Equipment]
Supervisor Mirkarimi

Ordinance amending the San Francisco Municipal Elections Code by adding Section 980 to Article IX to require the Director of Elections to prepare a backup plan for elections whenever the voting system intended to be used in the next election is pending certification from the California Secretary of State and to require the Board of Supervisors to give great consideration to whether the voting system has been certified by the California Secretary of State.

FINALLY PASSED

060534 **[Revising and clarifying procedures for imposition and collection of the 911 Emergency Response Fee imposed on telephone service subscribers]**
Supervisor Peskin

Ordinance amending Article 10A of the Business and Tax Regulations Code by amending Section 751 to amend the definition of "Service supplier" and delete the definition of "Telephone corporation" in order to reflect changes in communications technology and regulation, and amend the definition of "Trunk line" to clarify that it does not include Direct Inward Dial telephone lines; amending Section 754 by replacing the term "Telephone corporation" with the term "Service supplier," and amending Sections 757, 759, 761 and 762 to clarify responsibilities on the part of the City and service providers for collection of the fee.

FINALLY PASSED

060530 **[Settlement of Lawsuit - Donald Sargeant]**
Ordinance authorizing settlement of the lawsuit filed by Donald Sargeant against the City and County of San Francisco for $225,000; the lawsuit was filed on March 25, 2005 in San Francisco Superior Court, Case No. 439-805; entitled Donald Sargeant v. City and County of San Francisco, et al.

FINALLY PASSED

060557 **[Settlement of Lawsuit - Linda Nussbaum]**
Ordinance authorizing settlement of the lawsuit filed by Linda Nussbaum against the City and County of San Francisco for $170,000; the lawsuit was filed on January 7, 2004 in San Francisco Superior Court, Case No. 427-870; entitled Linda Nussbaum v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

060567 **[Settlement of Lawsuit - Eliana Martella]**
Ordinance authorizing settlement of the lawsuit filed by Eliana Martella against the City and County of San Francisco for $175,000; the lawsuit was filed on July 22, 2004 in Superior Court, Case No. CGC-04433236; entitled Eliana Martella, et al., v. City and County of San Francisco, et al; other material terms of said settlement are the reduction of the San Francisco General Hospital lien from $17,829.64 to $12,829.64. (City Attorney)

FINALLY PASSED

060611 **[Settlement of Lawsuit - ARCO et al.]**
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against PS Trading for the payment to the Airport of environmental clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal). (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

Severed from the Consent Agenda

Supervisors Maxwell and Dufty requested that these matters be severed so that they might be considered separately.

Recommendations of the Land Use and Economic Development Committee

060600 **[Traffic Regulations]**
Supervisor Maxwell

Resolution enacting and rescinding traffic regulations on various streets.

BICYCLE LANES - ESTABLISH (18 month trial)
Illinois Street, both directions, between 16th Street and Cargo Way;
Sixteenth Street, both directions, between 3rd Street and Illinois Street; and,
Cargo Way, both directions, between Illinois Street and Jennings Street

(4/25/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

Continued to June 27, 2006

Supervisor Sandoval, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

060601 **[Parking Regulations]**
Supervisor Maxwell

Resolution enacting and rescinding parking regulations at various locations.

PERPENDICULAR PARKING – RESCIND (18 month trial)
Illinois Street, east side, between 19th and 22nd Streets

BACK-IN ANGLED PARKING, 60 DEGRESS – ESTABLISH (18 month trial)
Illinois Street, east side, between 18th Street and 132 feet south of Mariposa Street

BACK-IN ANGLED PARKING, 45 DEGRESS – ESTABLISH (18 month trial)
Illinois Street, east side, between 20th and 22nd Streets

TOW-AWAY, NO PARKING ANYTIME – RESCIND
Illinois Street, east side, between 25th and Marin Streets

PERPENDICULAR PARKING – ESTABLISH
22nd Street, both sides, between Illinois Street and 480 feet easterly;
Tennessee Street, east side, between 18th and 175 feet south of 22nd Street; and
24th Street, both sides, between 100 feet east and 450 feet east of Michigan Street.

(4/25/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

Continued to June 27, 2006

Supervisor Sandoval, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Select Committee on Ending Gun and Gang Violence

060086 **[Providing for public notice of installation of community safety cameras.]**
Supervisors Mirkarimi, Ammiano, Maxwell, Elsbernd

Ordinance amending the San Francisco Administrative Code by adding Chapter 19, Sections 19.1 through 19.8, to regulate the installation of community safety cameras, prescribe a notification and approval process for the installation of cameras, and establish protocols for oversight and access to video recordings.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

Recommendations of the Land Use and Economic Development Committee

052025 [Residential Rent Ordinance: Landlord may not severe parking/storage/access to specified common areas without just cause; tenant entitled to rent reduction upon severance.]]

Supervisors Mirkarimi, Daly, Maxwell, Peskin, Ammiano

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.2(r) to provide that garage facilities, parking facilities, or storage or access to common areas, laundry rooms, lobbies, decks, patios, or gardens on the same lot, or kitchen facilities in single room occupancy (SRO) hotels, supplied in connection with the use or occupancy of a unit, or similar facilities or space on the same lot, may not be severed from a tenancy by the landlord without just cause; and that where such a severance does occur the tenant is entitled to a reduction in rent.

FINALLY PASSED by the following vote:

Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Dufty, Elsbernd
Excused: 1 - Ma

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved to rescind the previous vote.
Motion to rescind the previous vote carried without objection.

Amended to include language relating to lobbies in single room occupancy (SRO) hotels.

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

Supervisor Ammiano requested to be added as a co-sponsor.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Dufty, Elsbernd
Excused: 1 - Ma

060372 [Off-Street Parking In C-3 Zoning Districts And For Bicycles and Car Share]
Supervisors Peskin, Daly

Ordinance amending the San Francisco Planning Code by amending Sections 102.9, 151, 151.1, 154, 155, 155.5, 161, 166, 167 and 309 to impose new requirements in C-3 Zoning Districts regarding permitted off-street parking and loading, allowed off-street freight loading and service vehicle spaces and to separate parking costs from housing costs, to impose new requirements for parking for bicycles and car share vehicles, to exempt from the legislation projects that received final Planning Department or Planning Commission approval and submitted complete site permit applications prior to the effective date of the legislation, to require the Planning Department, the Municipal Transportation Agency and the County Transportation Agency to undertake a study of downtown parking issues, and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

(Economic Impact)

FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier
Excused: 1 - Ma

Recommendation of the Rules Committee

060524 [Waiving the Competitive Requirements of the Administrative Code for the Procurement of Construction Services for Portion of the Laguna Honda Hospital Replacement Project]
Supervisor Elsbernd

Ordinance waiving the competitive requirements of Chapter 6 of the Administrative Code and authorizing the director of Public Works, with the assistance of the Construction Manager-at Risk, to negotiate the subcontracts for the renovation of Wing C and Building H of the Laguna Honda Hospital Replacement Project and modifying the contract with the CM-at Risk to incoporate said subcontacts into the CM-at Risk to incorporate said subcontracts into the CM-at-Risk's scope of work.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

NEW BUSINESS

Recommendations of the Budget and Finance Committee

060726 [Interim Consolidated Budget and Annual Appropriation Ordinance, Fiscal Year 2006-2007]
Mayor

Interim Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2007.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

060727 [Interim Consolidated Annual Salary Ordinance, Fiscal Year 2006-2007]
Mayor

Interim Consolidated Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation ordinance for fiscal year ending June 30, 2007.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

060733 [Interim Treasure Island Development Authority Budget]
Mayor

Resolution approving the Interim Budget of the Treasure Island Development Authority for fiscal year 2006-2007.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

060247 **[Minimum Wage Implementation and Enforcement]**
Supervisors Maxwell, Ammiano, Daly, Mirkarimi, McGoldrick

Ordinance (1) amending Chapter 12R of the San Francisco Administrative Code (Minimum Wage Ordinance) to impose an annual fee upon employers to defray the City's costs of implementing and enforcing the Minimum Wage Ordinance, (2) expanding the powers and duties of the Office of Labor Standard Enforcement to implement and enforce the Minimum Wage Ordinance, and (3) making findings pursuant to the California Environmental Quality Act, Public Resources Code Section 21080(b)(8)(A), that the regulatory fees imposed by this ordinance are not a "project" and that such fees are imposed for the purpose of meeting operating expenses of the Office of Labor Standards Enforcement or successor department of the City and County of San Francisco, including employee wage rates, fringe benefits and other direct and indirect overhead charges, attributable to the implementation and enforcement of the Minimum Wage Ordinance.

(Fiscal impact.)

Continued to June 20, 2006

Supervisor Maxwell, seconded by Supervisor McGoldrick, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

060536 **[Appropriating $891,300 of General Fund Reserve to fund cost overruns in temporary salaries for the Department of Elections for Fiscal Year 2005-2006]**
Mayor

Ordinance retroactively appropriating $891,300 of General Fund Reserve to fund cost overruns in temporary salaries for the Department of Elections for Fiscal Year 2005-2006.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

060618 **[Official Advertising - Type 1 consecutive day official advertising]**

Resolution designating the Examiner to be the official newspaper of the City and County of San Francisco for the category of Type 1 consecutive day official advertising, for the period commencing July 1, 2006 and ending June 30, 2007. (Purchaser)

Amended to split the contract between the San Francisco Examiner and the San Francisco Chronicle.

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

060619 **[Official Advertising - Type 2 non-consecutive day official advertising]**

Resolution designating the Examiner to be the official newspaper of the City and County of San Francisco for the category of Type 2 non-consecutive day official advertising, for the period commencing July 1, 2006 and ending June 30, 2007. (Purchaser)

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

Supervisor Sandoval noted absent at 2:26 p.m.

060626 **[Outreach Advertising - Outreach newspapers]**

Resolution designating El Latino and El Reportero to be the outreach newspaper of the City and County of San Francisco for the Hispanic community; San Francisco Bay View to be the outreach newspaper of the City and County of San Francisco for the African American community; the San Francisco Bay Times and the Bay Area Reporter to be the outreach newspaper of the City and County of San Francisco for the Lesbian Gay Bisexual Transgender community; and the China Press, World Journal, and Sing Tao to be the outreach newspaper of the City and County of San Francisco for the Chinese community to provide outreach advertising services for the fiscal year commencing July 1, 2006 and ending June 30, 2007.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to continue this matter to June 20, 2006.

Motion to continue failed by the following vote:
Ayes: 4 - Alioto-Pier, Dufty, Maxwell, Mirkarimi
Noes: 5 - Ammiano, Daly, Elsbernd, McGoldrick, Peskin

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Resolution be ADOPTED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Ma

Supervisor Sandoval noted present at present at 2:28 p.m.

060565 **[Jurisdictional Transfer of Property, 525 Golden Gate]**

Resolution authorizing the jurisdictional transfer of City-owned property at 525 Golden Gate Avenue to the Public Utilities Commission in consideration of Nine Million Nine Hundred Thousand Dollars. (Mayor)

(Fiscal impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

060634 **[Authorize payment of performance fees for Year 5 of the Water Infrastructure Partners contract for an amount not to exceed $230,000[**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to pay performance fees for Contract Year No. 5 of the Agreement with the Water Infrastructure Partners for an amount not to exceed $230,000. (Public Utilities Commission)

(Fiscal impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

060683 **[2006 Water Revenue Refunding Bonds Issuance]**
Mayor

Resolution approving the issuance of not to exceed $50,000,000 aggregate principal amount of San Francisco water revenue refunding bonds to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue refunding bonds are issued; and authorizing the taking of appropriate actions in connection therewith; and related matters.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

Recommendations of the City Operations and Neighborhood Services Committee

060503 **[Notice Requirements For Board Hearings on Changes to Certain Traffic Regulations]**

Ordinance amending Section 43 of the Traffic Code to repeal requirements that notice be published in the newspaper 10 days prior to a hearing before the Board of Supervisors regarding a change in certain traffic regulations. (Clerk of the Board)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

060702 **[Written Informed Consent and Pre-Test Counseling for HIV Testing]**
Supervisors Ma, Dufty

Ordinance amending the San Francisco Health Code to add Section 139 encouraging the San Francisco Health Department to modify San Francisco General Hospital Medical Center's policies to require written informed consent and pre-test counseling before a patient receives an HIV antibody test.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

Recommendations of the Land Use and Economic Development Committee

052021 [General Advertising Signs – Relocation Agreements, Sign Inventories]
Supervisor Peskin

Ordinance amending the San Francisco Administrative Code by adding Section 2.21 to establish a General Advertising Sign Relocation Procedure; amending the San Francisco Planning Code by amending Section 303 to add criteria for the Planning Commission's approval of a general advertising sign relocation site, amending Planning Code Section 604 to prohibit general advertising signs that have been removed from being replaced on the same site, adding Section 604.2 to require general advertising sign companies to maintain and submit to the City current inventories of their signs, and amending Sections 1005 and 1111.7 to prohibit the relocation of new general advertising signs to Historic Districts or Conservation Districts or on an historic property regulated by Articles 10 and 11 of the Planning Code; and adopting findings including environmental findings and findings of consistency with the Priority Policies of Planning Code Section 101.1 and the General Plan.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

060598 [Amending the Traffic Code to authorize establishing back-in only angled parking spaces]
Supervisor Maxwell

Ordinance amending the San Francisco Traffic Code by amending Section 55 to authorize the Municipal Transportation Agency, with the approval of the Board of Supervisors, to establish back-in only angled parking spaces.

Continued to June 27, 2006

Supervisor Sandoval, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

060599 [Allowing commercial vehicles that are actively loading or unloading during rush hour to block bike lanes on Illinois Street between 16th Street and Cargo Way]
Supervisor Maxwell

Ordinance amending the Traffic Code by amending Section 38.N to exempt from the prohibition on blocking bike lanes from 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m., commercial vehicles that are actively loading or unloading on Illinois Street between 16th Street and Cargo Way.

Continued to June 27, 2006

Supervisor Sandoval, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Ma

Supervisor Mirkarimi introduced, welcomed and presented a Certificate of Honor to Dr. Jean van Sinderen, John Fitzgerald and Tom McCarthy in recognition of bringing to San Francisco "The Great Book of Ireland."

Recess

The Board recessed at the hour of 3:08 p.m.

Reconvening of the Board

The Board reconvened at the hour of 4:03 p.m

Calling the Roll

The following Supervisors were noted present: Ammiano, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin - 7

Supervisors Alioto-Pier and Dufty were noted present at 4:04 p.m.
Supervisor Ma was previously excused.
Supervisor Sandoval was noted absent at 3:00 p.m.

SPECIAL ORDER 4:00 P.M.

060629 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 1 Belgrave Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department granting a Categorical Exemption from environmental review under Class 1, subsection (a) as part of a Building Permit Application No. 2005.07.07.7059S, Case No. 2006.0409D, the proposed project at 1 Belgrave Street. The proposal to construct an approximately 200 square foot first floor and an approximately 180 square foot second floor addition to the rear of an existing single-family dwelling. The first floor addition projects approximately 13 feet beyond the rear of the existing first floor and the second floor extends approximately 6 feet 8 inches beyond the existing second floor.

The project is set back 3 foot 1 inch from the west side yard property line and 6 feet or more from the adjacent dwelling. (Appellant: Stephen M. Williams)

(Filed 05/02/06; Companion measure to Files 060630, 060631, 060632; District 5.)

The President inquired as to whether or not any member of the public wished to address the Board.
There were none.
The President declared the public hearing closed.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Hearing be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Ma

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

060630 **[Affirming the categorical exemption issued for 1 Belgrave Street project]**

Motion affirming the determination by the Planning Department that the 1 Belgrave Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Ma

060631 **[Disapproving the categorical exemption issued for 1 Belgrave Street project]**

Motion disapproving the determination by the Planning Department that the 1 Belgrave Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Ma

060632 **[Preparation of findings related to the 1 Belgrave Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 1 Belgrave Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Ma

COMMITTEE REPORTS

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Joseph Braverman; showed interest in drafting legislation for mandatory drug testing for politicians
Abdulla Megaheed; showed interest in the election of Supervisor Ma as Assemblywoman
Richard McRee; expressed concern with design and patent for the design of the Sigmond Stern Grove
Eugene Gordon, Jr., expressed concern with issues relating to the violations of human rights
John daDonna; expressed concern with issues relating to the violations of human rights
Female speaker, showed appreciation to those Supervisors who voted against the Bayview Hunter's Point Redevelopment Plan
Rodney; showed interest in banning smoking in public
Walter; showed interest in Dr. Dean Adele, Cindy Williams and general issues

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

060731 **[Accept-Expend State Grant - Mayor's Office of Criminal Justice]**
Supervisor Maxwell

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to accept and expend funds in the amount of $560,738 from the State Corrections Standards Authority (CSA), from funds made available under Senate Bill 736 – known as the Juvenile Justice Crime Prevention Act (JJCPA) – for programs and approaches that have been demonstrated to be effective in reducing delinquency, for the period of July 1, 2006 to June 30, 2007.

ADOPTED by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Ma

060732 **[Accept-Expend State Grant - Mayor's Office of Criminal Justice]**
Supervisor Maxwell

Resolution authorizing the Mayor's Office of Criminal Justice to retroactively accept and expend a grant in the amount of $200,000 from the State Corrections Standards Authority for the purpose of implementing the Read Into Your Future Project through the Title II Formula Grant Program, for the period from April 1, 2006 to March 31, 2007.

ADOPTED by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Ma

060813 **[Condemning the government sanctioned violence at Moscow's first Gay Pride celebration, and urging the Kremlin and Mayor Yuri Luzkhov to foster a culture of tolerance toward Russia's LGBT community]**
Supervisors Ammiano, Dufty

Resolution condemning the government sanctioned violence and chaos which took place during Moscow's first Gay Pride march, and urging the Kremlin and Moscow Mayor Yuri Luzkhov to work toward fostering a culture of tolerance in relation to the LGBT community in Russian society.

ADOPTED by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Ma

060814 **[Supporting Californians for Clean Energy Initiative]**
Supervisor Alioto-Pier

Resolution supporting the Californians for Clean Energy Initiative to fund, improve, and produce clean energy for California starting on the November 2006 statewide ballot.

ADOPTED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Ma

060815 **[Observance of the 35th Anniversary of the End of Occupation Alcatraz Island]**
Supervisor Daly

Resolution observing the 35th Anniversary of the End of Occupation Alcatraz Island and commending the Community Housing Partnership for commemorating this important part of San Francisco history through a permanent installation at the Senator Hotel.

ADOPTED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Ma

060816 **[Foundation Support for Communities of Color]**
Supervisor Daly

Resolution urging independent and community foundations to effectively support communities of color and foster leadership development in minority-led organizations.

ADOPTED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Ma

060817 **[Commending Marcia Parrott]**
Supervisor Elsbernd

Resolution commending Marcia Parrott on the occasion of her retirement.

ADOPTED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Ma

060818 **[Urging the State Senate "aye" vote on Assembly Bill 2728 (Klehs) to amend section 12071 of the Penal Code, relating to firearms]**
Supervisor Maxwell

Resolution urging the State Senate "aye" vote on Assembly Bill 2728 (Klehs) to protect the public from firearms dealers who knowingly or with gross negligence violates specified provisions of law regulating firearms dealers.

ADOPTED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Ma

060819 **[Urging the State Senate "aye" vote on Assembly Bill 2521 relating to firearms]**
Supervisor Maxwell

Resolution urging the State Senate "aye" vote on Assembly Bill 2521 (Jones, Cohn, Koretz, and Leno) to amend section 12071, 12072, 12076, 12078, and 12082 of, and to repeal and add Section 12083 of, the Penal Code, relating to firearms.

ADOPTED by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Ma

060820 **[Chemical Restrictions in Electronics]**
Supervisor McGoldrick

Resolution urging San Francisco's State delegation to support AB 2202 Restriction of Hazardous Substances Extension (Saldaña).

ADOPTED by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Ma

060821 **[Responding to harmful effects of federal or state immigration legislation]**
Supervisors Mirkarimi, Daly

Resolution committing the City and County of San Francisco to respond in a timely, humane and just manner to the harmful effects of the proposed immigration legislation passed at the federal or state levels.

ADOPTED by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Ma

060822 **[Heart of the City Farmers' Market Day]**
Supervisor Peskin

Resolution proclaiming June 21, 2006, Heart of the City Farmers' Market Day in San Francisco.

ADOPTED by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Ma

060823 **[Supporting the Tenth Annual Latino Film Festival in San Francisco]**
Supervisor Sandoval

Resolution supporting the Tenth Annual Latino Film Festival in San Francisco.

ADOPTED by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Ma

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

060809 **[Juvenile Probation & Camps Funding Program Agreement-Juvenile Probation Department]**

Resolution authorizing the Juvenile Probation Department to participate in the Juvenile Probation & Camps Funding Program used to pay for direct services to children. (Juvenile Probation Department)

5/30/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

060838 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

PARKING METERS, 2-HOUR, 9 AM TO 6 PM, MONDAY THROUGH FRIDAY - RESCIND
PARKING METERS, 2-HOUR, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
Bryant Street, west side, between 18th and Mariposa Streets (correction to operation times)

TOW-AWAY, NO PARKING - RESCIND
METERED MOTORCYCLE PARKING - ESTABLISH
Jessie Street, south side, from 4th Street to 54 feet westerly (approximately 14 metered motorcycle stalls)
(Parking and Traffic Department)

(Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3190.)

6/5/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

060839 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Brussels and Dwight Streets, stopping Brussels Street, making this intersection an All-Way STOP;
Foerster Street at Los Palmos Drive, stopping Foerster Street, making this intersection an All-Way STOP; and,
Paulding Street at Arago Street, stopping Paulding Street, making this intersection an All-Way STOP. (Parking and Traffic Department)

(Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3190.)

6/5/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

060840 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.
BICYCLE LANES - ESTABLISH
Sloat Boulevard, both directions, from Skyline Boulevard to The Great Highway.

RIGHT LANE MUST TURN RIGHT - RESCIND
Sloat Boulevard, eastbound, from Skyline Boulevard to 300 feet westerly.

RIGHT LANE MUST TURN RIGHT EXCEPT MUNI - ESTABLISH
Sloat Boulevard, westbound, from 37th Avenue to 39th Avenue; and,
Sloat Boulevard, eastbound, from Skyline Boulevard to 350 feet westerly.

RIGHT LANE MUST TURN RIGHT EXCEPT MUNI AND BICYCLES - ESTABLISH
Market Street, eastbound, at 15th and Sanchez Streets (Parking and Traffic Department)

(Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3190.)

6/5/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

060841 **[Airport Concession Lease]**

Resolution approving Amendment No. 2 to the Luggage Cart Lease and Operating Agreement between Smarte Carte, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

6/5/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED MOTIONS

060807 **[Appointment, Planning Commission - Hisashi Sugaya]**

Motion approving the Board of Supervisors President Peskin's nomination of Hisashi Sugaya to the Planning Commission, term ending July 1, 2010. (Clerk of the Board)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.)
Transmittal date - (May 31, 2006.)

5/31/06, RECEIVED AND ASSIGNED to Rules Committee.

060808 **[Appointment, Planning Commission - Hisashi Sugaya]**

Motion rejecting the Board of Supervisors President's appointment of Hisashi Sugaya to the Planning Commission, term ending July 1, 2010. (Clerk of the Board)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.)
Transmittal date - (May 31, 2006.)

5/31/06, RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:25 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

DOCUMENTS DEPT.
JUN 23 2006
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Tuesday, June 20, 2006 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin, Mirkarimi, Elsbernd	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano	1st and 3rd Monday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05p.m. On the call of the roll Supervisor Alioto-Pier was noted absent.

There was a quorum.

Supervisor Alioto-Pier was previously excused from attendance. (See Infra)

Supervisor Alioto-Pier Excused from Attendance

Supervisor Sandoval, seconded by Supervisor Elsbernd, moved to excuse Supervisor Alioto-Pier from today's meeting. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Dufty, moved. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

060726 **[Interim Consolidated Budget and Annual Appropriation Ordinance, Fiscal Year 2006-2007]**
Mayor

Interim Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2007.

Fiscal Impact.

FINALLY PASSED

060727 **[Interim Consolidated Annual Salary Ordinance, Fiscal Year 2006-2007]**
Mayor

Interim Consolidated Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation ordinance for fiscal year ending June 30, 2007.

Fiscal Impact.

FINALLY PASSED

060536 **[Appropriating $891,300 of General Fund Reserve to fund cost overruns in temporary salaries for the Department of Elections for Fiscal Year 2005-2006]**
Mayor

Ordinance retroactively appropriating $891,300 of General Fund Reserve to fund cost overruns in temporary salaries for the Department of Elections for Fiscal Year 2005-2006.

(Fiscal impact.)

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

060503 **[Notice Requirements For Board Hearings on Changes to Certain Traffic Regulations]**
Ordinance amending Section 43 of the Traffic Code to repeal requirements that notice be published in the newspaper 10 days prior to a hearing before the Board of Supervisors regarding a change in certain traffic regulations. (Clerk of the Board)

FINALLY PASSED

060702 **[Written Informed Consent and Pre-Test Counseling for HIV Testing]**
Supervisors Ma, Dufty

Ordinance amending the San Francisco Health Code to add Section 139 encouraging the San Francisco Health Department to modify San Francisco General Hospital Medical Center's policies to require written informed consent and pre-test counseling before a patient receives an HIV antibody test.

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

052021 **[General Advertising Signs – Relocation Agreements, Sign Inventories]**
Supervisor Peskin

Ordinance amending the San Francisco Administrative Code by adding Section 2.21 to establish a General Advertising Sign Relocation Procedure; amending the San Francisco Planning Code by amending Section 303 to add criteria for the Planning Commission's approval of a general advertising sign relocation site, amending Planning Code Section 604 to prohibit general advertising signs that have been removed from being replaced on the same site, adding Section 604.2 to require general advertising sign companies to maintain and submit to the City current inventories of their signs, and amending Sections 1005 and 1111.7 to prohibit the relocation of new general advertising signs to Historic Districts or Conservation Districts or on an historic property regulated by Articles 10 and 11 of the Planning Code; and adopting findings including environmental findings and findings of consistency with the Priority Policies of Planning Code Section 101.1 and the General Plan.

FINALLY PASSED

Recommendations of the Rules Committee

060524 **[Waiving the Competitive Requirements of the Administrative Code for the Procurement of Construction Services for Portion of the Laguna Honda Hospital Replacement Project]**
Supervisor Elsbernd

Ordinance waiving the competitive requirements of Chapter 6 of the Administrative Code and authorizing the director of Public Works, with the assistance of the Construction Manager-at Risk, to negotiate the subcontracts for the renovation of Wing C and Building H of the Laguna Honda Hospital Replacement Project and modifying the contract with the CM-at Risk to incoporate said subcontacts into the CM-at Risk to incorporate said subcontracts into the CM-at-Risk's scope of work.

FINALLY PASSED

060670 **[Settlement of Lawsuit - Fire & Casualty Insurance Company]**
Ordinance authorizing settlement of the lawsuit filed by The Fire & Casualty Insurance Company against the City and County of San Francisco for $700,000; the lawsuit was filed on August 14, 2002 in San Francisco Superior Court, Case No. 411-478; entitled The Fire & Casualty Insurance Company v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

060671 **[Settlement of Lawsuit - Yekaterina Ramirez]**
Ordinance authorizing settlement of the matter of Yekaterina Ramirez v. City and County of San Francisco for $140,000. The lawsuit was filed on August 26, 2004, in San Francisco Superior Court, Case No. 434181; entitled Yekaterina Ramirez v. City and County of San Francisco, Public Utilities Commission, and Does 1 through 25. (City Attorney)

PASSED, ON FIRST READING

060723 **[Settlement of Lawsuit - Chubb Custom Insurance Company]**
Ordinance authorizing settlement of the lawsuit filed by Chubb Custom Insurance Company against the City and County of San Francisco for $65,000; the lawsuit was filed on February 24, 2005 in San Francisco Superior Court, Case No. 438-921; entitled Chubb Custom Insurance Company, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

060724 **[Settlement of Lawsuit - Lisa Kenney]**

Ordinance authorizing settlement of the lawsuit filed by Lisa Kenney against the City and County of San Francisco for $125,000; the lawsuit was filed on November 13, 2003 in San Francisco Superior Court, Case No. 426-365; entitled Lisa Kenney v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

060811 **[Appointment - Ballot Simplification Committee]**

Resolution appointing June M. Fraps, term ending November 30, 2006, to the Ballot Simplification Committee.

June M. Fraps, succeeding Alma Carroll, resigned, seat 1, must represent the National Academy of Television Arts and Sciences, Northern California Chapter, or the Northern California Broadcasters Association, for the unexpired portion of a two-year term ending November 30, 2006.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

060247 [Minimum Wage Implementation and Enforcement]
Supervisors Maxwell, Ammiano, Daly, Mirkarimi, McGoldrick

Ordinance (1) amending Chapter 12R of the San Francisco Administrative Code (Minimum Wage Ordinance) to impose an annual fee upon employers to defray the City's costs of implementing and enforcing the Minimum Wage Ordinance, (2) expanding the powers and duties of the Office of Labor Standard Enforcement to implement and enforce the Minimum Wage Ordinance, and (3) making findings pursuant to the California Environmental Quality Act, Public Resources Code Section 21080(b)(8)(A), that the regulatory fees imposed by this ordinance are not a "project" and that such fees are imposed for the purpose of meeting operating expenses of the Office of Labor Standards Enforcement or successor department of the City and County of San Francisco, including employee wage rates; fringe benefits and other direct and indirect overhead charges, attributable to the implementation and enforcement of the Minimum Wage Ordinance.

(Fiscal impact.)
(Supervisor Elsbernd dissented in committee.)

Continued to June 27, 2006

Supervisor Maxwell, seconded by Supervisor Ma, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Recommendation of the Land Use and Economic Development Committee

052025 [Residential Rent Ordinance: Landlord may not severe parking/storage/access to specified common areas without just cause; tenant entitled to rent reduction upon severance.]
Supervisors Mirkarimi, Daly, Maxwell, Peskin, Ammiano

Ordinance amending Administrative Code Chapter 37 “Residential Rent Stabilization and Arbitration Ordinance” by amending Section 37.2(r) to provide that garage facilities, parking facilities, or storage or access to common areas, laundry rooms, lobbies, decks, patios, or gardens on the same lot, or kitchen facilities in single room occupancy (SRO) hotels, supplied in connection with the use or occupancy of a unit, or similar facilities or space on the same lot, may not be severed from a tenancy by the landlord without just cause; and that where such a severance does occur the tenant is entitled to a reduction in rent.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Dufty, Elsbernd, Ma
Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

060585 **[Ten Year Capital Expenditure Plan]**
Supervisors Elsbernd, Peskin

Resolution adopting the City's initial ten year capital expenditure plan.

ADOPTED by the following vote:
Ayes: 9 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

060802 **[Homeless and Senior Services Contract Approval - Episcopal Community Services]**
Resolution approving the contract between the City and County of San Francisco and Episcopal Community Services to provide various safety net services to homeless, formerly homeless, and frail and elderly senior citizens in San Francisco, for the period from July 1, 2006 to June 30, 2009, in the amount of $30,387,988. (Human Services Department)

Fiscal Impact.

ADOPTED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060803 **[Housing Services and Support Services Contract Approval - Tenderloin Housing Clinic]**
Resolution approving the contract between the City and County of San Francisco and the Tenderloin Housing Clinic to provide housing services and support services to formerly homeless adults for the period from July 1, 2006 to June 30, 2009, in the amount of $41,589,314. (Human Services Department)

Fiscal Impact.

ADOPTED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Recommendations of the Government Audit and Oversight Committee

060740 **[MOU - Deputy Probation Officers' Association]**
Mayor

Ordinance adopting and implementing the mediated settlement establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Probation Officers' Association, to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060741 **[MOU - Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit)]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit), to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060742 **[MOU - Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410)]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410), to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060743 **[MOU - Teamsters, Local 856 (Multi-Unit)]**
Mayor

Ordinance adopting and implementing the arbitration award establishing the amended Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 856 (Multi-Unit) to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060744 **[MOU - Teamsters, Local 350]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 350, to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060745 **[MOU - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers. to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060746 **[MOU - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO]**

Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060747 **[MOU - District Attorney Investigators' Association]**

Mayor

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco District Attorney Investigators' Association, to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060748 **[MOU - Municipal Attorneys' Association]**

Mayor

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association, to be effective July 1, 2006 through June 30, 2009.

(Supervisor Peskin dissented in Committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Ammiano, Daly, Dufty, Ma, McGoldrick, Sandoval
Noes: 4 - Elsbernd, Maxwell, Mirkarimi, Peskin
Excused: 1 - Alioto-Pier

060749 **[Unrepresented Employees]**

Mayor

Ordinance Fixing Compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in jobcodes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2006.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060750 **[MOU - Service Employees International Union, Locals 535, 790 and United Healthcare Workers - West]**
Mayor

Ordinance adopting and implementing the mediated settlement establishing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Locals 535, 790 and United Healthcare Workers - West, to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060751 **[MOU - Service Employees International Union, Local 790 Staff & Per Diem Nurses]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 790 Staff & Per Diem Nurses, to be effective July 1, 2006 through June 30, 2007.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060752 **[MOU - Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.), to be effective July 1, 2006 through June 30, 2007.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060753 **[MOU - Transport Workers Union of America, AFL-CIO, Local 200]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 200, to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060754 **[MOU - San Francisco Institutional Police Officers' Association]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association, to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060755 [MOU- International Brotherhood of Electrical Workers Local Union 6, AFL-CIO]
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the International Brotherhood of Electrical Workers Local Union 6, AFL-CIO, to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060756 [MOU - Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers]
Mayor

Ordinance adopting and implementing the mediated settlement establishing the Memorandum of Understanding between the City and County of San Francisco and the Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers, to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060757 [MOU - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38, to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060758 [MOU - Laborers International Union, Local No. 261]
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local No. 261, to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060759 **[MOU - Consolidated Craft Unions]**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Bricklayers and Allied Crafts, Local 3; Hod Carriers, Local 36; Building Inspectors' Association; The Northern California Carpenters Regional Council, Local 22; Cement Masons, Local 300; Glaziers, Architectural Metal and Glass Workers, Local Union No. 718; International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artist and Allied Crafts of the United States, Its Territories and Canada, Local 16; International Association of Bridge, Structural, Ornamental, Reinforcing Iron Workers, Riggers and Machinery Movers, Local 377; Auto, Marine and Specialty Painters, Local Union No. 1176; Pile Drivers, Divers, Carpenters, Bridge, Wharf and Dock Builders, Local Union No. 34; Plasterers and Shophands, Local 66; United Union of Roofers, Waterproofers and Allied Workers, Local 40; Sheet Metal Workers International Union, Local 104; Teamsters, Local 853, to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Supervisor Elsbernd Excused From Voting

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved to excuse Supervisor Elsbernd, at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, Elsbernd

060760 **[MOU - International Federation of Professional and Technical Engineers, Local 21, AFL-CIO]**
Mayor

Ordinance adopting and implementing the mediated settlement establishing the Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO, to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, Elsbernd

060761 **[MOU - California Association of Interns and Residents/Committee of Interns and Residents, SEIU]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the California Association of Interns and Residents/Committee of Interns and Residents, SEIU, to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060762 **[MOU - Union of American Physicians and Dentists (Unit 8CC)]**

Ordinance adopting and implementing the mediated settlement establishing the Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8CC), to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060763 **[MOU - Union of American Physicians and Dentists (Unit 11AA)]**
Mayor

Ordinance adopting and implementing the mediated settlement establishing the Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11AA), to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060764 **[MOU - Municipal Executives' Association]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association, to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060765 **[MOU - International Union of Operating Engineers, Stationary Engineers, Local 39]**
Mayor

Ordinance adopting and implementing the mediated settlement establishing the Memorandum of Understanding between the City and County of San Francisco and the International Union of Operating Engineers, Stationary Engineers, Local 39, to be effective July 1, 2006 through June 30, 2009.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Recommendations of the Rules Committee

060143 **[Board of Appeals – Notice of Hearings]**
Supervisor Ma

Ordinance amending the San Francisco Business and Tax Regulations Code by amending Section 12 to require mailed notice of hearings to all owners and, to the extent practicable, residents within 150 feet of the property that is the subject of the appeal.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060693 [Appointment, Planning Commission - Kathrin Moore]
Supervisor Peskin

Motion approving the Board of Supervisors President Peskin's nomination of Kathrin Moore to the Planning Commission, term ending July 1, 2010.

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.
Transmittal date - (May 23, 2006.)

APPROVED by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Ma, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Supervisor Ma welcomed, introduced and presented a Certificate of Honor to members of the Special Olympic Swim Team the Sea Lions.
Supervisor Ma welcomed, introduced and presented a Certificate of Honor to a repersentative from KQED Television for their outstanding achievement in broadcasting.

COMMITTEE REPORTS

ROLL CALL FOR INTRODUCTIONS

Supervisor Maxwell was noted absent at 3:15 p.m.

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; showed interest in human rights conditions and disaster issues
James Chaffee; expressed concern with issues relating to the Friends of the Library
Walter; expressed in song his interest in pop songs
Richard MaCree; expressed concern with issues relating to the design of Sigmond Grove and his recognition for the patent for the design
Eugene Gordon, Jr., expressed concern with the violation of human rights issues
Steve A. Worthsley; showed interest in the Coit Tower store and the future of Coit Tower
Male speaker; expressed concern with transportation issues in Golden Gate Park
Joseph Braverman; expressed concern with balance reporting
Peter Warfield; expressed concern with issues relating to SF Public Library hours

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

060855 **[Commending Judge Quentin L. Kopp on his appointment to the California High Speed Rail Authority]**
Supervisors Daly, Mirkarimi, Peskin, Ma

Resolution commending Judge Quentin L. Kopp on his appointment to the California High Speed Rail Authority and supporting the work of the Authority to build a high-speed rail system in California.

Supervisors Peskin and Ma requested to be added as co-sponsors.
ADOPTED

060856 **[Episcopal Community Services' Summer Tini Benefit for the CHEFS program]**
Supervisor Daly

Resolution commending ECS and the Summer Tini sponsors for their commitment to support the Conquering Homelessness through Employment in Food Service Program.

ADOPTED

060861 **[Proclaiming June 26 through July 3, 2006, Childhood Cancer Awareness Week]**
Supervisors Peskin, Ma

Resolution proclaiming June 26 through July 3, 2006, Childhood Cancer Awareness Week in San Francisco.

Supervisor Ma requested to be added as a co-sponsor.
ADOPTED

060862 **[Strong New Orleans East]**
Supervisor Peskin

Resolution supporting the Citizens for a Strong New Orleans East in their effort to close the operation of the Chef Menteur landfill and preserve New Orleans for the communities of color.

ADOPTED

060863 **[Continuing the Ongoing work of the Utility Undergrounding Task Force]**
Supervisors Dufty, Ma

Resolution continuing the ongoing work of the Utility Undergrounding Task Force to advise the City and County of San Francisco on the future of the utility undergrounding process in San Francisco and to complete its work by October 31, 2006.

Supervisor Ma requested to be added as a co-sponsor.
ADOPTED

060865 **[Establishing a comprehensive HIV/AIDS housing plan for San Francisco]**
Supervisors Dufty, Ammiano, Alioto-Pier, Mirkarimi, Daly

Resolution calling on the Department of Public Health to establish a HIV/AIDS Housing Working Group to work with relevant City Agencies, community stakeholders and members of the Board of Supervisors to establish a comprehensive HIV/AIDS Housing plan for San Francisco.

ADOPTED

060866 **[Endorsing SB 1712 (establishing a three year, four county pilot program to increase adoptions of older, "hard-to-place" Foster youth, and appropriating $4,000,000 in State funding toward the pilot program]**
Supervisors Dufty, Maxwell, Ammiano, Ma

Resolution endorsing SB 1712 (establishing a three-year, four-county pilot program to increase adoptions of older, "hard-to-place" Foster youth, and appropriating $4,000,000 in State funding toward the pilot program).

ADOPTED

060867 **[Commemorating Allen Ginsberg, HOWL, and the Beat Poets at the former Six Gallery]**
Supervisor Alioto-Pier

Resolution recognizing Allen Ginsberg and the first public full-length reading of the poem HOWL as a significant event in the literary history of San Francisco.

ADOPTED

060873 **[California Coastal Commission Budget]**
Supervisor Peskin

Resolution urging Governor Schwarzenegger to approve the FY2006-07 California Coastal Commission Budget as approved by Senate and Assembly Budget Subcommittees.

ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Maxwell
Excused: 1 - Alioto-Pier

Supervisor Maxwell was noted present at 3:20 p.m.

Severed from the Without Reference to Committee Agenda

Supervisor Ammiano requested that this matter be severed so that it might be considered separately.

060864 **[Resolution to Nominate 200 Year-Old California Valley Oak Tree for Landmark designation]**
Supervisor Ammiano

Resolution nominating California Valley Oak Tree Located at 2840 25th Street initiating the landmark tree designation pursuant to Public Works Code Section 801(b), acknowledging the temporary designation of such tree pursuant to Public Works Code Section 810(d), and authorizing other official acts to protect this tree.

Continued to June 27, 2006

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Supervisor McGoldrick requested that this matter be severed so that it might be considered separately.

060868 **[Urging the California State Senate not to approve AB 2987]**
Supervisors Ammiano, Dufty, McGoldrick, Maxwell, Mirkarimi

Resolution urging the California State Senate to vote no on AB 2987 which, if passed, would eliminate the City and County's role in negotiating cable and video franchises.

Supervisor Mirkarimi requested to be added as co-sponsor.

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Supervisor Elsbernd requested that this matter be referred to Committee as amended.

REFERRED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Ma, seconded by Supervisor Dufty, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Ma, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

060896 [Commendation — Shelley Bradford Bell, Kevin Hughes, Sue Lee]

Supervisors Ma, Ammiano, Dufty, Mirkarimi, Peskin

Resolution commending Planning Commissioners Shelley Bradford Bell, Sue Lee, and Kevin Hughes for their dedication and work on behalf of the people of the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

060826 **[Prohibiting vehicle parking for commercial advertising purposes]**

Ordinance repealing San Francisco Police Code Section 681, adding San Francisco Traffic Code Section 63.3, and amending San Francisco Traffic Code Section 132 to impose a penalty of $100 for violation of Traffic Code Section 63.3. (Parking and Traffic Department)

6/7/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

060827 **[Settlement of Lawsuit - Nibbi Brothers, Inc]**

Ordinance authorizing settlement of the lawsuit filed by Nibbi Brothers, Inc., against the City and County of San Francisco for $300,000; the lawsuit was filed on January 17, 2006 in San Francisco Superior Court, Case No. CGC 06448631; entitled Nibbi Brothers, Inc., v. City and County of San Francisco. (City Attorney)

6/12/06, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTION

060825 **[Finding of Fiscal Feasibility; Endorsement of Term Sheet; Exploratorium Project at Piers 15/17]**

Resolution finding the proposed Exploratorium Project at Piers 15/17 fiscally feasible pursuant to Administrative Code Chapter 29 and endorsing the Term Sheet between The Exploratorium and the San Francisco Port Commission. (Port)

6/8/06, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

6/15/06, TRANSFERRED to Government Audit and Oversight Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 3:35 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

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Tuesday, June 27, 2006 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Daly, Dufty, Peskin, Mirkarimi, Elsbernd	Wednesday 1:00 PM
City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns	2nd Monday (Bi-monthly) 4:00 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma	1st and 3rd Monday 1:00 PM
Government Audit and Oversight Committee Supervisors Ammiano, Alioto-Pier, Peskin	2nd and 4th Monday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Wednesday 1:00 PM
Rules Committee Supervisors Mirkarimi, Elsbernd, Ammiano	Thursday 10:00 AM
Select Committee on Ending Gun and Gang Violence Supervisors Maxwell, Mirkarimi, Ammiano	1st and 3rd Monday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll Supervisor Alioto-Pier was noted absent.

There was a quorum.

Supervisor Alioto-Pier was noted present at 2:05 p.m.

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

051779 **[Liquor License, 1661 Filmore Street]**

Resolution determining that the issuance of a Type 40 (On-Sale Beer) alcoholic beverage license to Semere Mesfun, for The Unity Cafe located at 1661 Fillmore Street, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

060558 **[Liquor License Transfer, 430 Mason Street]**

Resolution determining that the premises to premises exchange transfer of a Type 47 (On-Sale General Eating Place) license for a Type 48 (On-Sale General Public Premises) alcoholic beverage license from 635 Eighth Street to 430 Mason Street to Inner Circle Entertainment IV, LLC dba The Slide will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

060587 **[Gift - Private (Mobile Mammography Van)]**

Resolution authorizing the Department of Public Health, San Francisco General Hospital to accept a gift in the amount of $146,041 from the Avon Foundation, via the San Francisco General Hospital Foundation, for the purchase of technical and logistical services in support of the operation of the mobile mammography facility vehicle, donated to the City in 2004, by the University of California, San Francisco. The mobile mammography facility vehicle provides services to indigent and under-served women in San Francisco.

ADOPTED

060682 **[Child Abuse Prevention]**
Supervisors Ma, Dufty

Resolution approving the Three-Year County Plan for the Child Abuse Prevention, Intervention and Treatment program (CAPIT), Community Based Child Abuse Prevention program (CBCAP), and Promoting Safe and Stable Families program (PSSF), and establishing the San Francisco Child Abuse Council as San Francisco's child abuse prevention multidisciplinary coordinating body.

ADOPTED

060783 **[Gifts to the Fire Department]**
Mayor

Resolution accepting and expending (1) a gift to the Fire Department of $100,000 from the Fireman's Fund Insurance Company for the Department's Neighborhood Emergency Response Training ("NERT") Program and (2) gifts to the Fire Department from Johnson & Johnson of $100,000 for the NERT Program and of medical supplies valued at $20,000 for the NERT Program or for disaster relief.

ADOPTED

060785 **[Accept-Expend Federal Grant Funds]**
Mayor

Resolution authorizing the San Francisco Fire Department (SFFD) to accept and expend $375,311 in grant funds from the Federal Emergency Management Agency (FEMA) for the development and implementation of a fire safety and prevention program for senior citizens.

ADOPTED

060800 **[Grant to support the Hospital Preparedness Program through the San Francisco Department of Public Health]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to retroactively accept and expend a grant in the amount of $548,465.74 from the California Department of Health Services, Emergency Preparedness Office, for year 3 of the Hospital Preparedness Program, for the period of September 1, 2005, through August 31, 2006.

ADOPTED

Recommendations of the Rules Committee

060670 **[Settlement of Lawsuit - Fire & Casualty Insurance Company]**

Ordinance authorizing settlement of the lawsuit filed by The Fire & Casualty Insurance Company against the City and County of San Francisco for $700,000; the lawsuit was filed on August 14, 2002 in San Francisco Superior Court, Case No. 411-478; entitled The Fire & Casualty Insurance Company v. City and County of San Francisco. (City Attorney)

FINALLY PASSED

060671 **[Settlement of Lawsuit - Yekaterina Ramirez]**

Ordinance authorizing settlement of the matter of Yekaterina Ramirez v. City and County of San Francisco for $140,000. The lawsuit was filed on August 26, 2004, in San Francisco Superior Court, Case No. 434181; entitled Yekaterina Ramirez v. City and County of San Francisco, Public Utilities Commission, and Does 1 through 25. (City Attorney)

FINALLY PASSED

060723 **[Settlement of Lawsuit - Chubb Custom Insurance Company]**

Ordinance authorizing settlement of the lawsuit filed by Chubb Custom Insurance Company against the City and County of San Francisco for $65,000; the lawsuit was filed on February 24, 2005 in San Francisco Superior Court, Case No. 438-921; entitled Chubb Custom Insurance Company, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

060724 **[Settlement of Lawsuit - Lisa Kenney]**

Ordinance authorizing settlement of the lawsuit filed by Lisa Kenney against the City and County of San Francisco for $125,000; the lawsuit was filed on November 13, 2003 in San Francisco Superior Court, Case No. 426-365; entitled Lisa Kenney v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

060143 **[Board of Appeals – Notice of Hearings]**
Supervisor Ma

Ordinance amending the San Francisco Business and Tax Regulations Code by amending Section 12 to require mailed notice of hearings to all owners and, to the extent practicable, residents within 150 feet of the property that is the subject of the appeal.

FINALLY PASSED

060848 **[Appointment - In-Home Supportive Services Public Authority]**

Resolution appointing Elizabeth Grigsby, term ending March 1, 2007, to the In-Home Supportive Services Public Authority.

Elizabeth Grigsby, succeeding Ruth Nunez, seat 9, resigned, must be a member of the Mayor's Disability Council, recommended to the Board by the Council, for the unexpired portion of a three-year term ending March 1, 2007.

ADOPTED

060846 **[Appointment - Western SoMa Citizens' Planning Task Force]**

Resolution appointing Tom Radulovich, Anthony Faber, Kaye Griffin and Lynn Valente, terms ending November 23, 2007, to the Western SoMa Citizens' Planning Task Force.

Tom Radulovich, succeeding Jeremy Nelson, resigned, seat 15, must be a transportation advocate, for the unexpired portion of a three-year term ending November 23, 2007.
Anthony Faber, succeeding Richard Kempis, resigned, seat 16, must be a preservation advocate, for the unexpired portion of a three-year term ending November 23, 2007.
Kaye Griffin, new appointment, seat 21, must be a person with a disability, for the unexpired portion of a three-year term ending November 23, 2007.
Lynn Valente, new appointment, seat 22, must be a resident of the area defined as "SoMa West" by the Planning Department, for the unexpired portion of a three-year term ending November 23, 2007.

ADOPTED

Recommendations of the Government Audit and Oversight Committee

060740 **[MOU - Deputy Probation Officers' Association]**
Mayor

Ordinance adopting and implementing the mediated settlement establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Probation Officers' Association, to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

060741 **[MOU - Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit)]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit), to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

060742 **[MOU - Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410)]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410), to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

060743 **[MOU - Teamsters, Local 856 (Multi-Unit)]**
Mayor

Ordinance adopting and implementing the arbitration award establishing the amended Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 856 (Multi-Unit) to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

060744 **[MOU - Teamsters, Local 350]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 350, to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

060745 **[MOU - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers, to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

060746 **[MOU - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

060747 **[MOU - District Attorney Investigators' Association]**
Mayor

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco District Attorney Investigators' Association, to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

060749 **[Unrepresented Employees]**
Mayor

Ordinance Fixing Compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in jobcodes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2006.

FINALLY PASSED

060750 **[MOU - Service Employees International Union, Locals 535, 790 and United Healthcare Workers - West]**
Mayor

Ordinance adopting and implementing the mediated settlement establishing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Locals 535, 790 and United Healthcare Workers - West, to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

060751 **[MOU - Service Employees International Union, Local 790 Staff & Per Diem Nurses]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 790 Staff & Per Diem Nurses, to be effective July 1, 2006 through June 30, 2007.

FINALLY PASSED

060752 **[MOU - Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.), to be effective July 1, 2006 through June 30, 2007.

FINALLY PASSED

060753 **[MOU - Transport Workers Union of America, AFL-CIO, Local 200]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 200, to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

060754 **[MOU - San Francisco Institutional Police Officers' Association]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association, to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

060755 **[MOU- International Brotherhood of Electrical Workers Local Union 6, AFL-CIO]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the International Brotherhood of Electrical Workers Local Union 6, AFL-CIO, to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

060756 **[MOU - Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers]**
Mayor

Ordinance adopting and implementing the mediated settlement establishing the Memorandum of Understanding between the City and County of San Francisco and the Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers, to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

060757 **[MOU - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38, to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

060758 **[MOU - Laborers International Union, Local No. 261]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local No. 261, to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

060759 **[MOU - Consolidated Craft Unions]**
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Bricklayers and Allied Crafts, Local 3; Hod Carriers, Local 36; Building Inspectors' Association; The Northern California Carpenters Regional Council, Local 22; Cement Masons, Local 300; Glaziers, Architectural Metal and Glass Workers, Local Union No. 718; International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artist and Allied Crafts of the United States, Its Territories and Canada, Local 16; International Association of Bridge, Structural, Ornamental, Reinforcing Iron Workers, Riggers and Machinery Movers, Local 377; Auto, Marine and Specialty Painters, Local Union No. 1176; Pile Drivers, Divers, Carpenters, Bridge, Wharf and Dock Builders, Local Union No. 34; Plasterers and Shophands, Local 66; United Union of Roofers, Waterproofers and Allied Workers, Local 40; Sheet Metal Workers International Union, Local 104; Teamsters, Local 853, to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

060761 **[MOU - California Association of Interns and Residents/Committee of Interns and Residents, SEIU]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the California Association of Interns and Residents/Committee of Interns and Residents, SEIU, to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

060762 **[MOU - Union of American Physicians and Dentists (Unit 8CC)]**

Ordinance adopting and implementing the mediated settlement establishing the Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8CC), to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

060763 **[MOU - Union of American Physicians and Dentists (Unit 11AA)]**
Mayor

Ordinance adopting and implementing the mediated settlement establishing the Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11AA), to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

060764 **[MOU - Municipal Executives' Association]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association, to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

060765 **[MOU - International Union of Operating Engineers, Stationary Engineers, Local 39]**
Mayor

Ordinance adopting and implementing the mediated settlement establishing the Memorandum of Understanding between the City and County of San Francisco and the International Union of Operating Engineers, Stationary Engineers, Local 39, to be effective July 1, 2006 through June 30, 2009.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

060247 **[Minimum Wage Implementation and Enforcement]**
Supervisors Maxwell, Ammiano, Daly, Mirkarimi, McGoldrick

Ordinance (1) amending Chapter 12R of the San Francisco Administrative Code (Minimum Wage Ordinance) to impose an annual fee upon employers to defray the City's costs of implementing and enforcing the Minimum Wage Ordinance, (2) expanding the powers and duties of the Office of Labor Standard Enforcement to implement and enforce the Minimum Wage Ordinance, and (3) making findings pursuant to the California Environmental Quality Act, Public Resources Code Section 21080(b)(8)(A), that the regulatory fees imposed by this ordinance are not a "project" and that such fees are imposed for the purpose of meeting operating expenses of the Office of Labor Standards Enforcement or successor department of the City and County of San Francisco, including employee wage rates, fringe benefits and other direct and indirect overhead charges, attributable to the implementation and enforcement of the Minimum Wage Ordinance.

(Fiscal impact.)
(Supervisor Elsbernd dissented in committee.)

Continued to July 11, 2006

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Government Audit and Oversight Committee

060748 **[MOU - Municipal Attorneys' Association]**
Mayor

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association, to be effective July 1, 2006 through June 30, 2009.

(Supervisor Peskin dissented in Committee.)

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 2 - Elsbernd, Peskin

060760 **[MOU - International Federation of Professional and Technical Engineers, Local 21, AFL-CIO]**
Mayor

Ordinance adopting and implementing the mediated settlement establishing the Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO, to be effective July 1, 2006 through June 30, 2009.

Supervisor Elsbernd was previously excused from voting on this matter.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

Recommendation of the Land Use and Economic Development Committee

052025 [Residential Rent Ordinance: Landlord may not sever parking/storage/access to specified common areas without just cause; tenant entitled to rent reduction upon severance.]
Supervisors Mirkarimi, Daly, Maxwell, Peskin, Ammiano

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.2(r) to provide that garage facilities, parking facilities, or storage or access to common areas, laundry rooms, lobbies, decks, patios, or gardens on the same lot, or kitchen facilities in single room occupancy (SRO) hotels, supplied in connection with the use or occupancy of a unit, or similar facilities or space on the same lot, may not be severed from a tenancy by the landlord without just cause; and that where such a severance does occur the tenant is entitled to a reduction in rent.

FINALLY PASSED by the following vote:
Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma

NEW BUSINESS

Recommendations of the Budget and Finance Committee

060734 [Redevelopment Agency Budget]
Mayor

Resolution approving an Interim Budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2006-2007.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060786 [Proposition J Contract/Certification of Specified Contracted-Out Services Previously Approved]
Mayor

Resolution concurring with the Controller's certification that services previously approved under Proposition J can be performed by private contractor for a lower cost than similar work performed by City and County employees, for the following services: central shops security, convention facilities management, janitorial and security services (Admin Services); budget analyst (Board of Supervisors); security services (Public Works); community services (District Attorney); body removal services (Medical Examiner); Project S.A.F.E. (Police); and jail food services (Sheriff).

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the City Operations and Neighborhood Services Committee

060083 [Public Works Code – enclosure of garbage receptacles]
Supervisors McGoldrick, Ma

Ordinance amending Public Works Code Section 170 to require that garbage receptacles, after collection, be returned to an enclosed area or other area that blocks views of the receptacle from the public right-of-way; and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060539 [Modifying the driving requirement for designated taxi company key personnel]
Supervisor Elsbernd

Ordinance amending the San Francisco Police Code by adding Section 1081.5, to modify the driving requirement for designated taxi company key personnel.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060869 [Juvenile Probation & Camps Funding Program Agreement-Juvenile Probation Department]
Supervisor Maxwell

Resolution authorizing the Juvenile Probation Department to participate in the Juvenile Probation & Camps Funding Program used to pay for direct services to children.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

060266 [Japantown Special Use District]
Supervisors Mirkarimi, Ma

Ordinance adding Planning Code Section 249.31 to establish the Japantown Special Use District for property generally bounded by Bush Street, Geary Boulevard, Laguna Street, and Fillmore Street, as defined herein, to require conditional use authorization and additional Planning Commission findings for specified uses, and to require specified notice, including additional posted notice; amending Planning Code Section 703.3 to require conditional use authorization for the establishment of formula retail uses in this District; amending the City's Zoning Map Sectional Map 2SU to reflect the boundaries of this District; requiring a report on the status of this District; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

Supervisor Ma requested to be added as a co-sponsor.
PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060668 **[Landmark Designation of 557 Ashbury Street/1500-1512 Haight Street (the Richard P. Doolan/Norman T. Larson Residence and Storefronts)]**
Supervisors Mirkarimi, Peskin, Elsbernd

Ordinance Designating 557 Ashbury Street/1500-1512 Haight Street, the Richard P. Doolan/Norman T. Larson Residence and Storefronts, as a Landmark under Planning Code Article 10; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings (Planning Department)

Supervisor Elsbernd requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060824 **[Authorizing the Port to award a contract, without competitive solicitation, for the crushing, removal, and/or disposal of debris and/or contaminated soils on Pier 94, Seawall Lot 352]**
Mayor

Ordinance authorizing the Port of San Francisco to award a contract, without competitive solicitation, for the crushing, removal, and/or disposal of construction demolition debris and/or contaminated soils on Pier 94, Seawall Lot 352.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Rules Committee

060807 **[Appointment, Planning Commission - Hisashi Sugaya]**
Motion approving the Board of Supervisors President Peskin's nomination of Hisashi Sugaya to the Planning Commission, term ending July 1, 2010. (Clerk of the Board)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.)
Transmittal date - (May 31, 2006.)

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Alioto-Pier introduced, welcomed and presented a Certificate of Honor to the staff of the San Francisco Port 's Maritime Division.

SPECIAL ORDER 4:00 P.M.

060887 **[Public Hearing – Appeal of Categorical Exemptions from Environmental Review for proposed legislation relating to the reconfiguration of Parking and creation of Bike Lane at Illinois Street (Board File Numbers 060598, 060599, 060600, and 060601)]**

Hearing of persons interested in or objecting to the issuance by the Department of Parking and Traffic of determinations of exemption from environmental review for proposed ordinances found in Board of Supervisors File Nos. 060598 & 060599 and proposed resolutions found in File Nos. 060600 & 060601, relating to the reconfiguration of Parking and creation of Bike Lane at Illinois Street. (Appellant: Stephen M. Williams, Esq.)

(Date Filed: 6/9/06; companion measure to Files 060887, 060888, 060889, 060890, District 10.)

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Hearing be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

060888 **[Affirming the categorical exemption issued for the Illinois Street bike lane project]**

Motion affirming the determination by the Department of Parking and Traffic that the Illinois Street bike lane project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060889 **[Disapproving the categorical exemption issued for the Illinois Street bike lane project]]**

Motion disapproving the determination by the Department of Parking and Traffic that the Illinois Street bike lane project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060890 **[Preparation of findings related to legislation regarding parking and traffic regulations]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Department of Parking and Traffic that legislation relating to parking and traffic regulations, File Nos. 060598, 060599, 060600 and 060601, is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

060598 **[Amending the Traffic Code to authorize establishing back-in only angled parking spaces]**

Supervisor Maxwell

Ordinance amending the San Francisco Traffic Code by amending Section 55 to authorize the Municipal Transportation Agency, with the approval of the Board of Supervisors, to establish back-in only angled parking spaces.

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060599 **[Allowing commercial vehicles that are actively loading or unloading during rush hour to block bike lanes on Illinois Street between 16th Street and Cargo Way]**

Supervisor Maxwell

Ordinance amending the Traffic Code by amending Section 38.N to exempt from the prohibition on blocking bike lanes from 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m., commercial vehicles that are actively loading or unloading on Illinois Street between 16th Street and Cargo Way.

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060600 **[Traffic Regulations]**
Supervisor Maxwell

Resolution enacting and rescinding traffic regulations on various streets.

BICYCLE LANES - ESTABLISH (18 month trial)
Illinois Street, both directions, between 16th Street and Cargo Way;
Sixteenth Street, both directions, between 3rd Street and Illinois Street; and,
Cargo Way, both directions, between Illinois Street and Jennings Street

(4/25/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Resolution be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060601 **[Parking Regulations]**
Supervisor Maxwell

Resolution enacting and rescinding parking regulations at various locations.

PERPENDICULAR PARKING – RESCIND (18 month trial)
Illinois Street, east side, between 19th and 22nd Streets

BACK-IN ANGLED PARKING, 60 DEGRESS – ESTABLISH (18 month trial)
Illinois Street, east side, between 18th Street and 132 feet south of Mariposa Street

BACK-IN ANGLED PARKING, 45 DEGRESS – ESTABLISH (18 month trial)
Illinois Street, east side, between 20th and 22nd Streets

TOW-AWAY, NO PARKING ANYTIME – RESCIND
Illinois Street, east side, between 25th and Marin Streets

PERPENDICULAR PARKING – ESTABLISH
22nd Street, both sides, between Illinois Street and 480 feet easterly;
Tennessee Street, east side, between 18th and 175 feet south of 22nd Street; and
24th Street, both sides, between 100 feet east and 450 feet east of Michigan Street.

(4/25/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Resolution be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

060858 **[Resolution of Intention to form the Fillmore Jazz District Community Benefit District]**
Supervisor Mirkarimi

Resolution (1) declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) to be known as the "Fillmore Jazz District Community Benefit District" and order the levy and collection of a multi-year assessment on identified parcels in the district, (2) approving the management district plan and engineer's report for the district, (3) ordering and setting a time and place for a public hearing thereon, (4) approving the form of the Notice of Public Hearing and Assessment Ballots, and (5) directing the Clerk of the Board of Supervisors to give notice of the public hearing as required by law.

(Ecomomic Impact)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060860 **[Resolution of Intention to form the Central Market Community Benefit District]**
Mayor

Resolution (1) declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) to be known as the "Central Market Community Benefit District" and levy a multi-year assessment on identified parcels in the district, (2) approving the management district plan and engineer's report for the district, (3) ordering and setting a time and place for a public hearing thereon, (4) approving the form of the Notice of Public Hearing and Assessment Ballots, and (5) directing the Clerk of the Board of Supervisors to give notice of the public hearing as required by law.

(Economic Impact)

Amended on page 5, line 18, Section 4, by replacing "August 15, 2006 at 3pm" with "October 17, 2006 at 3pm."

Supervisor Daly, seconded by Supervisor Dufty, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Continued to August 15, 2006

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Resolution be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

060898 **[Approving Agreements with the California Department of Transportation, the San Francisco Public Utilities Commission, and the US Navy in connection with an Upgraded Submarine Cable for Treasure Island]**

Mayor

Resolution approving (i) a Cooperative Utility Agreement between the California Department of Transportation and the Treasure Island Development Authority, (ii) a collateral Pledge and Security Agreement between the San Francisco Public Utilities Commission and the Treasure Island Development Authority, (iii) a Memorandum of Agreement between the San Francisco Public Utilities Commission and the Treasure Island Development Authority, and (iv) a Memorandum of Agreement between the Treasure Island Development Authority and the United States Navy, all in connection with an upgraded submarine power cable between the Oakland shoreline and Treasure Island.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed, showed interest in the World Cup and bringing business to San Francisco
James Chaffee; expressed concern with the Friends of Foundation of the Library and issues with the San Francisco Library
Joseph Braverman; showed interest in some form of recognizing past City politicians
Richard MCree; expressed concern Sigmnd Stern Grove design
Walter; showed interest in Glen Park
Eugene Gordon, Jr.; expressed concern with the violation of human rights
John Da Donna; expressed concern with human distinguishing and thanking
Steven A Worthsley; showed interest in the future of Coit Tower
Peter Warfield; expressed concern with issues related to Library bonds and providing more hours and more books in the Library
Francisco Di Costa; expressed concern with issues that a gym is being demolished in the Bay View Hunters Point and public comment process
Ms. Jones; expressed concern with San Francisco Police and Sheriff's Department brutality
Lisa Selby; expressed concern with Items 68-71 Sale of Revenue Bonds and the notice of a rent increase
Regina Mithchell, expressed concern with Items 68-71 Sale of Revenue Bonds and the notice of a rent increase
Doris Peterson; expressed concern with Items 68-71 Sale of Revenue Bonds and the notice of a rent increase
Richard Devine; expressed concern with Items 68-71 Sale of Revenue Bonds and the notice of a rent increase
Espanola Jackson; expressed concern with Items 68-71 Sale of Revenue Bonds and the notice of a rent increase and community input
Angelo King; expressed concern with community input relating to Items 68-71Sale of Revenue Bonds
Male speaker; expressed concern with Golden Gate park equestrian activities
Female speaker; expressed concern with community input relating to Items 68-71Sale of Revenue Bonds
Arnold Townsend; expressed concern with issues relating to Items 68-71Sale of Revenue Bonds

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

060864 **[Nominate 200 Year-Old California Valley Oak Tree for Landmark designation 2830 - 25th Street]**

Resolution nominating California Valley Oak Tree Located at 2830 25th Street initiating the landmark tree designation pursuant to Public Works Code Section 801(b), acknowledging the temporary designation of such tree pursuant to Public Works Code Section 810(d), and authorizing other official acts to protect this tree.

ADOPTED

060909 **[Renaming Fillmore and Turk Mini Park as the Mary Rogers Mini Park]**
Supervisors Mirkarimi, Maxwell, Dufty

Resolution urging the Department of Recreation and Parks to rename the Fillmore and Turk Mini Park as the Mary Rogers Mini Park.

ADOPTED

060910 **[Renaming Hayes Green as Patricia Walkup]**
Supervisors Mirkarimi, Dufty

Resolution urging the Department of Recreation and Parks to rename Hayes Green after Patricia Walkup.

ADOPTED

060912 **[Landmark Designation Nomination for Trees Located at 1141-1145 Filbert Street]**
Supervisor Peskin

Resolution of intent initiating the nomination of the Monterey Cypress tree located at 1141-1145 Filbert Street for landmark tree status pursuant to Public Works Code Section 810(b), acknowledging the temporary designation of such tree pursuant to Public Works Code Section 810(d), and authorizing other official acts in furtherance of this Resolution.

ADOPTED

060913 **[Urging the California Congressional Delegation to oppose the ongoing effort by Rep. John Culberson (R-Texas) to prevent cities from accepting the Matricula Consular and other identification cards issued by other countries, as valid forms of identification]**
Supervisors Sandoval, Daly, Mirkarimi, McGoldrick, Peskin, Ammiano, Dufty

Resolution urging the California Congressional Delegation representing the City and County of San Francisco to oppose the ongoing effort by Rep. John Culberson (R—Texas) to prevent cities from accepting the Matricula Consular and other identification cards issued by other countries, as valid forms of identification.

ADOPTED

060914 **[Urging Albertson's Inc. not to close the Albertson's supermarket located in the Oceanview Village development]**
Supervisors Sandoval, Elsbernd, McGoldrick, Maxwell, Dufty

Resolution urging Albertson's Inc. not to close the Albertson's supermarket located in the Oceanview Village development.

ADOPTED

060911 **[Authorizing the attendance of one member of the San Francisco Youth Commission at the June 30 - July 2, 2006, Glocal Youth Parliament to be held in Ankara, Turkey]**
Supervisor Peskin

Motion authorizing the attendance of one member of the San Francisco Youth Commission at the June 30 – July 2, 2006, Glocal Youth Parliament in Ankara, Turkey.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Without Reference to Committee Agenda

Supervisor Maxwell requested that the Files Nos. 060905, 060906, 060907 and 060908 be severed so that it might be considered separately.

060905 **[Issuance and Sale of Revenue Bonds - All Hallows Apartments]**
Supervisor Maxwell

Resolution approving the issuance and sale of tax-exempt bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $23,000,000 for the financing of the acquisition and rehabilitation of All Hallows Apartments.

REFERRED to the Land Use and Economic Development Committee.

060906 **[Issuance and Sale of Revenue Bonds - Bayview Apartments]**
Supervisor Maxwell

Resolution approving the issuance and sale of tax-exempt bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $21,000,000 for the financing of the acquisition and rehabilitation of the Bayview Apartments.

REFERRED to the Land Use and Economic Development Committee.

060907 **[Issuance and Sale of Revenue Bonds - La Salle Apartments]**
Supervisor Maxwell

Resolution approving the issuance and sale of tax-exempt bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $20,000,000 for the financing of the acquisition and rehabilitation of the La Salle Apartments.

REFERRED to the Land Use and Economic Development Committee.

060908 **[Issuance and Sale of Revenue Bonds - Shoreview Apartments]**
Supervisor Maxwell

Resolution approving the issuance and sale of tax-exempt bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $21,000,000 for the financing of the acquisition and rehabilitation of the Shoreview Apartments.

REFERRED to the Land Use and Economic Development Committee.

PROPOSED ORDINANCES

060842 **[Settlement of Lawsuit - Alfonso Helena]**

Ordinance authorizing settlement of the lawsuit filed by Alfonso Helena against the City and County of San Francisco for $114,500; the lawsuit was filed on January 20, 2004 in United States District Court, Northern District of California, Case No. C04-0260; entitled Alfonso Helena, et al., v. City and County of San Francisco, et al.

6/19/06, RECEIVED AND ASSIGNED to Rules Committee.

OFF-AGENDA LEGISLATION

PROPOSED RESOLUTIONS

060843 **[Accept-Expend Regional Grant - Airport Commission]**

Resolution authorizing the Airport Commission to accept and expend three (3) grants totaling $414,340 from the Bay Area Air Quality Management District (Air District) for acquisition of clean air vehicles by Airport transportation operators.

6/20/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:11 p.m.

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